TEXT OF AMENDMENTS TO HOUSE BILL 4618

AMENDMENT NO. 1 **CONSOLIDATED**

Mr. Kulik of Worthington moves to amend the bill in SECTION 22. Section 20 of Chapter 30B of the General Laws is hereby amended by inserting at the end thereof the following -
"Any public procurement unit may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of any supplies with one or more public procurement units or external procurement activities in accordance with an agreement entered into between the participants. The public procurement unit conducting the procurement of any supplies shall do so in a manner that constitutes a full and open competition. "

AMENDMENT NO. 2 **CONSOLIDATED**

Mr. Kulik of Worthington moves to amend the bill in SECTION 111. Section 29 of chapter 149 of the General Laws, as so appearing, is hereby amended by striking out, in lines 6 to 7, the words "in the case of the commonwealth is more than five thousand dollars, and in any other case is more than two thousand dollars" and inserting in place thereof the following words:- is more than $25,000.

AMENDMENT NO. 3 **CONSOLIDATED**

Mr. Spellane of Worcester hereby moves that H4618 be amended by inserting the following after line 46:

(e) Systems may establish a schedule under this section that provides for an increase in the maximum base amount, on which the cost-of-living adjustment is calculated pursuant to section 103, in multiples of $1,000. Acceptance of this subsection shall be in accordance with the provisions in section 103 (j).

Mr. Spellane of Worcester further moves that the bill be amended by adding the following section:
SECTION 13. Section 103 of chapter 32 of the General Laws is hereby amended by inserting the following new paragraph: -

(j) Notwithstanding the provisions of paragraph (a), the board of any system, that establishes a schedule pursuant to section 22D or section 22F, may increase the maximum base amount, on which the cost-of-living adjustment is calculated, in multiples of $1,000. Each increase in the maximum base amount shall be accepted by a majority vote of the board of such system, subject to the approval of the legislative body. For the purpose of this section, "legislative body" shall mean, the city council in accordance with its charter, in the case of a town, the town meeting, in the case of a county or region, the county or regional retirement board advisory council, in the case of a district, the district members, and, in the case of an authority, the governing body. Acceptance of an increase in the maximum base amount shall be deemed to have occurred upon the filing of the certification of such vote with the commission. A decision to accept an increase in the maximum base amount may not be revoked.

AMENDMENT NO. 4 **CONSOLIDATED**

Mr. Rice of Gardner moves to amend the bill by inserting, after line 405, the following section: "Section 55 of Chapter 40 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting the phrase "Federal Credit Unions" in line 25."

AMENDMENT NO. 5 **CONSOLIDATED**

Mr. Rice of Gardner moves to amend the bill by inserting, after line 405, the following section: "Section 17 of Chapter 138 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking the phrase "one thousand" in line 7 and inserting in its place the phrase "seven hundred-fifty."

AMENDMENT NO. 6 **CONSOLIDATED**

Representative Kane of Holyoke moved to amend the bill in Section 19 of chapter 25 of the General Laws, as amended by section 11 of chapter 169 of the acts of 2008, is hereby amended by inserting after the words "NOx Allowance Trading Program;" the following:- provided however that all such amounts generated by municipal lighting plants pursuant to the Forward Capacity Market program administered by ISO New England and all amounts generated by all cap and trade pollution control programs, including, but not limited to, the carbon dioxide allowance trading mechanism established pursuant to the Regional Greenhouse Gas Initiative Memorandum of Understanding and the NOx Allowance Trading Program, shall be returned to said municipal lighting plants.

AMENDMENT NO. 7 **CONSOLIDATED**

Mr. Patrick of Falmouth moves that bill be amended by adding at the end thereof the following sections

SECTION 56. Section 7 of chapter 44 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after paragraph (3B) the following paragraph:-

(3C) For a revolving loan fund established under section 53E ¾ to assist in development of renewable energy and energy conservation projects on privately held buildings, property or facilities within the city or town, 20 years.

SECTION 57. Said chapter 44, as so appearing, is hereby further amended by inserting after section 53E ½ the following section:-

Section 53E ¾. (a) Notwithstanding the provisions of section fifty-three or any other general or special law to the contrary, a city or town may establish a revolving fund to be known as the Energy Revolving Loan Fund, in this section called the fund. The purpose of the fund is to provide loans to owners of privately held real property in the city or town for energy conservation and renewable energy projects on their properties so as to prioritize energy efficiency as the first step toward reducing greenhouse gas emissions associated with buildings.

(b) The fund shall be established by ordinance or by-law. Before adoption of the ordinance or by-law, the select board, town council or the city council, as the case may be, shall conduct a public hearing on the question of its adoption. The ordinance or by-law shall designate an administrator for the fund and may provide for any rules, regulations and procedures for administration of the fund and eligibility for loans the city or town considers necessary or proper to carry out the purposes of this section. The administrator may consult with the green communities division, established in section 10 of chapter 25A in developing such regulations, rules, and procedures for administration of the fund. The fund administrator may be a board, department or officer, or may consist of 1 or more members from 1 or more boards, departments or officers, of the city or town. Any city or town which is a member of a regional planning commission may enter into a cooperative agreement with said commission to perform as administrator for the fund.

(c) As authorized by section 4A of chapter 40, two or more municipalities may, in a city by vote of the city council thereof, and in a town by vote of the board of selectmen thereof, enter into an agreement to jointly establish and administer a common fund.

(d) The fund administrator shall have the following duties and powers:-

(1) to make loans to owners of real estate to finance or refinance the costs of energy conservation and renewable energy projects on their properties; provided no loan shall be made unless an energy audit of the property has been conducted on or after July 2, 2008] and any energy conservation measures established by the fund administrator for participation in the program have been implemented;

(2) to execute and deliver on behalf of the city or town all loan agreements and other instruments necessary or proper to make the loan and secure its repayment;

(3) to record the notice of the agreement required by subsection (f) and any other loan instruments;

(4) to apply for and accept grants or gifts for purposes of the fund; and

(5) to exercise any other powers or perform any other duties the city or town may grant by ordinance or by-law to carry out the purposes of the section.

(e) The treasurer shall be the custodian of the fund, which shall be maintained as a separate account, and into which shall be placed:-

(1) all monies appropriated and proceeds from bonds issued under paragraph (3C) of section 7 for purposes of providing loans to private property owners for energy conservation and renewable energy projects;

(2) all funds received from the commonwealth or any other source for those purposes;

(3) all repayments of the loans made to property owners under this section, and any reserve or other required payments made by the owners in connection with the loans; and

(4) any other amounts required to be credited to the fund by any law.

The treasurer may invest the monies in the manner authorized by section 55, and any interest earned thereon shall be credited to and become part of the fund.

The treasurer shall, not later than June 30 of each year, certify in writing to the fund administrator and auditor or similar officer in cities, or the town accountant in towns having that officer, the principal and interest due in the next fiscal year on any bonds issued under paragraph (3C) of section 7 and not otherwise provided for, and the amount certified shall be reserved for payment of that debt service without further appropriation. Loans may be made from the fund by the fund administrator without further appropriation, subject to this section; provided, however, that no loans shall be made or liabilities incurred in excess of the unreserved fund balance, nor made unless approved in accordance with sections 52 and 56 of chapter 41.

(f) Whenever the city or town enters into a loan agreement with a property owner under this section, a notice of the agreement shall be recorded as a betterment and be subject to the provisions of chapter 80 relative to the apportionment, division, reassessment and collection of assessment, abatement and collections of assessments, and to interest; provided, however, that for purposes of this section, the lien shall take effect by operation of law on the day immediately following the due date of the assessment or apportioned part of the assessment and the assessment may bear interest at a rate determined by the city or town treasurer by agreement with the owner at the time the agreement is entered into between the city or town and the property owner. In addition to remedies available under chapter 80, the property owner shall be personally liable for the repayment of the total costs incurred by the city or town under this section; provided, however, that upon assumption of the personal obligation by a purchaser or other transferee of all of the original owner's interest in the property at the time of conveyance and the recording of the assumption, the owner shall be relieved of the personal liability.

A betterment loan agreement between an owner and a city or town under this section shall not be

considered a breach of limitation or prohibition contained in a note, mortgage or contract on the transfer of an interest in property.

Notwithstanding any provision of chapter 183A to the contrary, the organization of unit owners of a condominium may enter into a betterment loan agreement under this section to finance an energy conservation and renewable energy project provided that the project comprises part of the common areas and facilities. The agreement shall: (i) be approved by a majority of the unit owners benefited by the project; (ii) include an identification of the units and unit owners subject to the agreement and the percentages, as set forth in the master deed, of the undivided interests of the respective units in the common area and facilities; and (iii) include a statement by an officer or trustee of the organization of unit owners certifying that the required number of unit owners have approved the agreement. As between the affected unit owners and the city or town, the certification shall be conclusive evidence of the authority of the organization of unit owners to enter into the agreement. A notice of the agreement shall be recorded as a betterment in the registry of deeds or registry district of the land court where the master deed is recorded and shall be otherwise subject to the provisions of chapter 80 as provided for in this section. The assessment under the agreement may be charged or assessed to the organization of units owners but shall not constitute an assessment of common expenses. Instead, the allocable share of the assessment, prorated on the basis of the percentage interests of the benefited units in the common areas and facilities, shall attach as a lien only to the units identified in the recorded notice and benefited by the project and the owners of those units shall also be personally liable for their allocable share of the assessment as provided for in this section. Words defined in section 1 of said chapter 183A and used in this paragraph have the same meanings as appearing in said chapter 183A.

(g) The fund administrator shall file annually no later than June 30 a report detailing the amount of money in the fund, loans made, and repayments received, and shall also include the types of projects financed. The report shall be filed with the chief executive officer of the city or town, the executive office of administration and finance, the joint committee on municipalities and regional government, the senate and house committees on ways and means, and the clerks of the senate and the House of Representatives.

AMENDMENT NO. 8 **CONSOLIDATED**
Mr. Mariano of Quincy moves to amend the bill by adding the following section:

Section X. Subsection 32B(c)(3) of Chapter 63 of the General Laws, as so appearing, is amended by adding new section (iv):

(iv) Notwithstanding any of the above, to the extent that a member's income is subject to the provisions of a federal income tax treaty, such income is not taxable for Massachusetts purposes and thus is not required to be included in the combined group's taxable income. A member shall not include in the combined report any expenses or apportionment factors attributable to income that is subject to the provisions of a federal income tax treaty.

AMENDMENT NO. 9 **CONSOLIDATED**
Mr. Mariano of Quincy and Mr. Murphy of Weymouth move to amend the bill by adding the following section:
Section X: Notwithstanding any general or special law to the contrary, the Department of Elementary and Secondary Education shall recalculate the minimum local contributions for fiscal years 2010 and 2011 for the town of Weymouth by using the final actual fiscal year 2008 local contributions. The department shall also recalculate the final actual local contributions for the fiscal years 2008 through 2010, inclusive. The department shall include in the final recalculations required by this section any updated financial audits of the district's payments, or other similar information, that the superintendent may present to the department. The district shall be held harmless for any shortfalls in required local contributions

attributable to any accounting errors discovered after the department conducts the recalculations required by this section.

AMENDMENT NO. 10 **ADOPTED, AS AMENDED**

Mr. Brownsberger of Belmont moves that the bill, H4618, be amended in Section 11, subsection (a) by striking the second sentence thereof which provides that "Teachers, as defined by section 1 of chapter 32, who are members of the teachers' retirement system as well as teachers who are members of the State-Boston retirement system shall not be considered "employees" for purposes of this section and shall not be eligible to participate in the municipal early retirement program established under this section."

Section 11 is further amended by inserting the following additional subsection (j):

(j) By a vote of the school committee and with the further approval of the municipal chief executive officer as provided in subsection (b) of this section, members of the state teachers' retirement system and teachers employed by the City of Boston who are members of the State-Boston retirement system shall be eligible for an early retirement incentive in accordance with the provisions of this section; provided, however, that no member shall benefit from both the incentive established by this section and the allowances provided for in subdivision 4 of Section 5 of Chapter 32 unless the school committee and the municipal chief executive officer explicitly permit this in their approval. In the event that a municipality offers the incentives of this section to members of the state teachers' retirement system or teachers employed by the City of Boston who are members of the State-Boston retirement system, the municipality shall reimburse the appropriate retirement system for all actuarially determined costs resulting from the members' choices made under this subsection, in equal installments over a ten year period starting in the next fiscal year as determined by the Public Employee Retirement Administration Commission. As to positions vacated by members electing to receive both the incentives of this section and the allowances provided for in subdivision 4 of Section 5 of said Chapter 32, the percentage applicable in subsection (e) of this section shall be zero in Fiscal 2011.

AMENDMENT NO. 11 **CONSOLIDATED**

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, Ms. Poirier of North Attleboro, and Mr. deMacedo of Plymouth move to amend H4618 by adding the following new section:

"SECTION XX. Section 7 of Chapter 32B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting at the end thereof the following paragraph:
For all policies of group health coverage purchased by the municipality, the municipality, on behalf of active and retired employees and their dependents, shall contribute no more than 80 per cent of said coverage and the active and retired employees on behalf of themselves or themselves and their dependents shall contribute the remaining total monthly premium or rate.".

AMENDMENT NO. 12 **CONSOLIDATED**

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, Ms. Poirier of North Attleboro and Mr. deMacedo of Plymouth move to amend the H4618 by inserting, after section 8 (as printed), the following section:
"SECTION XX. Section 2 of chapter 60A of the General Laws as appearing in the 2008 Official Edition is hereby amended by inserting in line 42, after the word "section", the following words:
and the due date shall be clearly indicated on the tax notice.".

AMENDMENT NO. 13 **CONSOLIDATED**

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, Ms. Poirier of North Attleboro, Mr. deMacedo of Plymouth, and Mr. Frost of Auburn move to amend House Bill

4618 by inserting, after section 4, the following new section:

SECTION XX. Section 18 of chapter 32B of the General Laws, as appearing in the 2008 Official Edition, is hereby repealed.

SECTION XX. Said chapter 32B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out section 18A and inserting in place thereof the following section:-
Section 18B. (a) All retirees, their spouses and dependents insured or eligible to be insured under this chapter, if enrolled in Medicare Part A at no cost to the retiree, spouse or dependents or eligible for coverage there under at no cost to the retiree, spouse or dependents, shall be required to transfer to a Medicare health plan offered by the governmental unit under section 11C or section 16, if the benefits under the plan and Medicare Part A and Part B together shall be of comparable actuarial value to those under the retiree's existing coverage, but a retiree or spouse who has a dependent who is not enrolled or eligible to be enrolled in Medicare Part A at no cost shall not be required to transfer to a Medicare health plan if a transfer requires the retiree or spouse to continue the existing family coverage for the dependent in a plan other than a Medicare health plan offered by the governmental unit.
(b) Each retiree shall provide the governmental unit, in such form as the governmental unit shall prescribe such information as is necessary to transfer to a Medicare health plan. If a retiree does not submit the information required, he shall no longer be eligible for his existing health coverage. The governmental unit may from time to time request from a retiree, a retiree's spouse or a retiree's dependent, proof, certified by the federal government, of eligibility or ineligibility for Medicare Part A and Part B coverage.

(c) The governmental unit shall pay any Medicare Part B premium penalty assessed by the federal government on the retiree, spouse or dependent as a result of enrollment in Medicare Part B at the time of transfer.

AMENDMENT NO. 14 **CONSOLIDATED**
Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, Ms. Poirier of North Attleboro, Mr. deMacedo of Plymouth move to amend the House Bill 4618 by inserting, after 3 (as printed), the following section:
"SECTION XX. Subdivision (1) of section 22D of chapter 32 of the General Laws, as most recently amended by chapter 21 of the Acts of 2009, is hereby further amended by striking out in the fourth sentence, the figure "2030" and inserting in place thereof the following figure:- "2040".

AMENDMENT NO. 15 **ADOPTED, AS AMENDED**
Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, Ms. Poirier of North Attleboro, and Mr. deMacedo of Plymouth, move to amend H4618 by inserting after section 8 (as printed) the following new section X:
"SECTION XX. Chapter 64A of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting, after section 7A, the following section:
Section 7B. The sale of fuel to a city or town which having consumed the same for any municipal purpose shall be exempt from the excise established by this chapter.".

AMENDMENT NO. 16 **CONSOLIDATED**
Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, Ms. Poirier of North Attleboro, and Mr. deMacedo of Plymouth move to amend H4618 by adding the following new section:

"SECTION XX. Section 7 of Chapter 32B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting at the end thereof the following paragraph:
Notwithstanding any general or special law to the contrary, to be eligible for any form of health benefits, a municipal employee must serve in a paid position earning more than $5,000 after on or after July 1,

2010. Any municipal, city, or town employee or member of any local board that serves in a volunteer capacity, or does not meet the $5,000 annual threshold, shall not be eligible for any health benefits".

AMENDMENT NO. 17 **CONSOLIDATED**

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, Ms. Poirier of North Attleboro, and Mr. deMacedo of Plymouth, and Mr. Frost of Auburn move to amend H4618 by inserting, after section 8 (as printed), the following sections:

SECTION XX. (a) The terms used in this section shall have the following meanings unless the context clearly requires otherwise:

"Amnesty period", a period of time commencing not earlier than the date a municipal legislative body establishes a municipal tax amnesty program according to this act and expiring on June 30 2011 or on such earlier date as the municipal legislative body might determine, during which the municipal tax amnesty program established by the municipal legislative body shall be in effect in that city or town.

"Collector", as defined in section 1 of chapter 60 of the General Laws.

"Covered amount", the aggregate of all penalties, fees, charges and accrued interest assessed by the collector or treasurer for the failure of a certain taxpayer to timely pay a subject liability; provided, that the covered amount shall not include the subject liability itself.

"Municipal legislative body", the legislative body of a municipality, subject to its charter.

"Municipal tax amnesty program", a temporary policy whereby a city or town forever waives its right to collect all or any uniform proportion of the covered amount, as determined by the local enacting authority, then due from any person who, prior to the expiration of the amnesty period, voluntarily pays the collector or treasurer the full amount of the subject liability that serves as the basis for said covered amount; provided, that a municipal tax amnesty program shall not include any policy that enables or requires a city or town to waive its right to collect the covered amount from any person who, as of the time the amnesty period commences, is or was the subject of a criminal investigation or prosecution for failure to pay the city or town any subject liability or covered amount.

"Subject liability", the principal amount of a particular tax or excise liability payable by a taxpayer under chapter 59, 60, 60A, or 60B of the General Laws, as determined by the municipal legislative body.

"Treasurer", as defined in chapter 41 of the General Laws.

(b) Notwithstanding any general or special law to the contrary, the municipal legislative body in any city or town may vote to establish a municipal tax amnesty program according to the provisions of this section and shall, at the same time as such vote, determine the amnesty period. Tax amnesty periods shall not extend beyond June 30, 2011. The commissioner of revenue may issue such guidelines as he deems appropriate to carry out this section.

AMENDMENT NO. 18 **CONSOLIDATED**

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, Ms. Poirier of North Attleboro, and Mr. deMacedo of Plymouth, move to amend H4618 by inserting, after section 3 (as printed) the following new section X:

"SECTION XX. Paragraph (c) of Section 20 of Chapter 30A of the General Laws, as most recently amended by chapter 28 of the Acts of 2009, is hereby amended by inserting, after the word "located" in the first sentence, the following:

; provided that any community that has cable or internet access reaching no less than 80 per cent of its populace and maintains a town website or local cable access program may satisfy this requirement by posting notice of any such meeting on the town website or local cable channel, respectively, in addition to positing notice of such meeting visibly in the town hall, available for public viewing during normal business hours.".

AMENDMENT NO. 19 **CONSOLIDATED**

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, Ms. Poirier of North

Attleboro, and Mr. deMacedo of Plymouth move to amend H4618 by inserting, after section 4 (as printed), the following new section:
"SECTION XX. Chapter 32B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting at the end thereof the following new section:
Section 21.(a) Subsection (b) shall take effect in any city or town upon the approval by the legislative body and their acceptance by the voters of a ballot question as set forth in this section.
(b)Effective July 1, 2011, a governmental unit is authorized to include, as part of the health plans that it offers to its employees and retirees, co-payments, deductibles and tiered provider network co-payments or other plan design features that are no greater in dollar amount than the highest co-payments, deductibles and tiered provider network co-payments or other plan design features provided in any of the same class of health plans offered by the Group Insurance Commission pursuant to Chapter 32A. For purposes of this section, a "Point of Service" plan offered by a governmental unit shall be considered to fall within the PPO class. The above authorized dollar amounts for co-payments, deductibles and tiered provider network copayments or other plan design features shall be increased whenever the Group Insurance Commission increases the dollar amount of co-payments and/or deductibles and/or tiered provider network copayments
or other plan design features on the health plans that it offers.
A governmental unit may include in its health plans co-payments, deductibles and tiered provider network co-payments or other plan design features up to the above-referenced amounts without bargaining pursuant to either Chapter 150E or Section 19 of Chapter 32B concerning the decision to do so or the impact of the decision.
Nothing herein shall prohibit a governmental unit from including in its health plans higher co-payments, deductibles or tiered provider network co-payments or other plan design features than those authorized by the preceding paragraphs of this section; but such higher co-payments, deductibles or tiered provider network co-payments or other plan design features may be included only after the governmental unit has satisfied any bargaining obligations pursuant to either Chapter 150E or Section 19 of Chapter 32B.
(c) Upon approval by the legislative body, the actions of the body shall be submitted for acceptance to the voters of a city or town at the next regular municipal or state election. The city or town clerk or the state secretary shall place it on the ballot in the form of the following question:
"Shall this (city or town) accept subsections a and b of section 21 chapter 32B of the General Laws, as approved by its legislative body, a summary of which appears below?"
(Set forth here a fair, concise summary and purpose of the law to be acted upon, as determined by the city solicitor or town counsel, as the case may be.)
If a majority of the voters voting on said question vote in the affirmative, then its provisions shall take effect in the city or town, but not otherwise.
(d) The final date for notifying or filing a petition with the city or town clerk or the state secretary to place such a question on the ballot shall be 35 days before the city or town election or 60 days before the state election.
(e) If the legislative body does not vote to accept subsections a and b at least 90 days before a regular city or town election or 120 days before a state election, then a question seeking said acceptance may be so placed on the ballot when a petition signed by at least 5 per cent of the registered voters of the city or town requesting such action is filed with the registrar, who shall have 7 days after receipt of such petition to certify its signatures. Upon certification of the signatures, the city or town clerk or the state secretary shall cause the question to be placed on the ballot at the next regular city or town election held more than 35 days after such certification or at the next regular state election held more than 60 days after such certification.
(f) Upon acceptance of subsections a and b, the provisions of this act shall be imposed.

AMENDMENT NO. 20 **CONSOLIDATED**
Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, Ms. Poirier of North Attleboro, Mr. deMacedo of Plymouth, and Mr. Frost of Auburn move to amend H4618 by inserting, after

section 4 (as printed), the following new section:
"SECTION XX. Subsection a of section 19 of chapter 32B of the General Laws as appearing in the 2008 Official Edition is hereby amended by striking the word "70 per cent" in line 58 and replacing it with the following phrase:-
a majority.".

AMENDMENT NO. 21 **CONSOLIDATED**
Representative Driscoll of Braintree moves to amend the bill by adding the following section:

Upon the acceptance of this section by a city or town, the board of assessors may grant, retroactive to fiscal year 2002, real and personal property tax abatement up to 100% of the total tax assessed to members of the Massachusetts National Guard and to reservists on active duty in foreign countries for the fiscal year they performed such service subject to eligibility criteria to be established by the board of assessors.
The authority to grant abatements under this act shall expire after 2 years of adoption unless extended by a vote of the city or town.

AMENDMENT NO. 22 **REJECTED**
Representative Driscoll of Braintree moves to amend the bill by adding the following section:

For the purposes of this section the following terms shall have the following meanings:
"Crime" an act committed in the commonwealth which would constitute a crime if committed by a competent adult including any act which may result in an adjudication of delinquency.
"Law enforcement authority" any police department in the commonwealth or any of its political subdivision.
The licenses of any hotel, motel, resort, boarding house or inn licensed by a city or town where law enforcement authorities are required to respond to on more than 3 times in a calendar year for calls involving the commission of a crime may be revoked by the city or town.

AMENDMENT NO. 23 **CONSOLIDATED**
Representative Driscoll of Braintree moves to amend the bill by adding the following section:
Any commercial, above ground sign shall not exceed a maximum height of ten (10) feet from the ground.

AMENDMENT NO. 24 **CONSOLIDATED**
Representative Driscoll of Braintree moves to amend the bill by adding the following section:
Illumination for advertising signs in or on such facilities and equipment for the Massachusetts Bay Transportation Authority is prohibited

AMENDMENT NO. 25 **CONSOLIDATED**
Representative Driscoll of Braintree moves to amend the bill by adding the following section:

Any commercial, above ground sign advertising in or on such facilities and equipment on the property of or legally associated with the Massachusetts Bay Transportation Authority shall not exceed 10' by 12' in size notwithstanding Chapter 711 Code of Massachusetts Regulations.

AMENDMENT NO. 26 **CONSOLIDATED**
M. Galvin of Canton moves to amend the bill by adding at the end thereof the following new section:

SECTION ##. Chapter 40 of the General Laws is hereby amended by inserting after section 4E the following section:-

Section 4E1/2.(a) Notwithstanding any general or special law to the contrary, for the benefit of their school programs, education collaboratives, as defined in section 4E, may make purchases from a vendor's contract that has been competitively procured by another state or political subdivision or public entity thereof for the item or items being purchased.
(b) These education collaboratives shall not be subject to subsection (c) of section 1 of chapter 30B or section 22A of chapter 7 insofar as those laws preclude out-of-state collective purchases by education collaboratives for a period not to exceed 2 years after the effective date of this section, but those provisions shall apply to any collective purchasing by education collaboratives that occurs more than 2 years after that date.
(c) The inspector general shall review the process by which education collaboratives are making out-of-state collective purchases. Education collaboratives participating in out-of-state collective purchasing must submit biannually the following summary information to the office of the inspector general: (1) the entity from which the purchase was made and, if the purchase was from a state, political subdivision or a public entity of another state, what information informed them that the out-of-state entity was a political subdivision or a public entity, (2) a full and complete description of the items purchased, and (3) documentation of savings obtained, with relevant Massachusetts cost comparisons.

AMENDMENT NO. 27 **CONSOLIDATED**
Mr. Galvin of Canton moves to amend the bill by striking out sections 78, 79, 85, and 86.

AMENDMENT NO. 28 **CONSOLIDATED**
Mr. Kulik of Worthington moves to amend the bill in SECTION 41. The second paragraph of section 4A of chapter 40 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following paragraph: - A decision to enter into an inter-municipal agreement under this section, or to join any regional entity, shall not be subject to collective bargaining under chapter 150E.

AMENDMENT NO. 29 **CONSOLIDATED**
Ms. Clark of Melrose moves to amend House Bill 4618 by inserting after Section 8, in line 334, the following eight sections:

"SECTION 9. Chapter 41 of the General Laws is hereby amended by striking out section 30B, as appearing in the 2006 Official Edition, and inserting in place thereof the following section:-

Section 30B. (a) Notwithstanding any general or special law, or any municipal charter, vote, bylaw, or ordinance, any 2 or more cities and towns may by vote of their legislative bodies enter into an agreement for joint or cooperative assessing, classification and valuation of property. Such agreement shall be for a term not to exceed 25 years and provide for:

(1) the division, merger or consolidation of administrative functions between or among the parties, or the performances thereof by one city or town on behalf of all the parties;

(2) the financing of the joint or cooperative undertaking;

(3) the rights and responsibilities of the parties with respect to the direction and supervision of the work to be performed and with respect to the administration of the assessing office including the receipt and disbursement of funds, the maintenance of accounts and records and the auditing of accounts;

(4) annual reports of the assessor to the constituent parties;

(5) the duration of the agreement and procedures for amendment, withdrawal or termination thereof; and

(6) any other necessary or appropriate matter.

(b) An agreement under this section may also provide for the formation of a single assessing department for the purpose of employing assistant assessors and necessary staff and performing all administrative functions. An agreement may also vest in 1 person, the board of assessors of 1 of the parties or a regional board of assessors comprised of at least 1 representative from each of the parties and selected in the manner set forth in the agreement all the powers and duties of the boards of assessors and

assessing departments of the parties. In that case, upon the effective date of the agreement, the existing boards of assessors of the other parties, or of all the parties if their assessors' powers and duties are vested in 1 person, shall terminate for the duration of the agreement. Unless the agreement provides for the board of assessors of 1 of the parties to serve as the assessors for all parties, or 1 city or town to act on behalf of all parties, the agreement shall designate an appointing authority representing all of the parties, which shall be responsible for the appointment of an assessor, designate to the extent required by the agreement, the appointing authority for any assistant assessors and other staff, and in the case of withdrawal or termination of the agreement, determine the employment of any employee of one of the parties that became part of a single assessing department. Subject to the rules and regulations established by the commissioner of revenue pursuant to section 1 of chapter 58, the agreement shall provide for qualifications, terms and conditions of employment for the assessor and employees of his office. The agreement may provide for inclusion of the assessor and said employees in insurance, retirement programs and other benefit programs of one of the constituent parties, but all parties to the agreement shall be responsible for paying a proportionate share of the current and future costs of benefits associated with the appointment or employment of all persons performing services for them during the duration of the agreement. Any city or town party to such an agreement shall include employees under the joint assessing agreement in such programs in accordance with the terms of the agreement.

(c) Cities and towns may become parties to any existing agreement with the approval of the other parties.

(d) No agreement or amendment to an agreement for joint or cooperative assessing made pursuant to this section shall take effect until it has been approved in writing by the commissioner of revenue.

SECTION 10. Section 38D of chapter 59 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in lines 13 through 19 inclusive, the wording:-

"If an owner or lessee of real property fails to submit such information within the time and in the form prescribed, in addition to any other penalties, there shall be added to the real property tax levied upon the property in question for the next ensuing tax year the amount of fifty dollars; provided, however, that the board of assessors informed said owner or lessee that failure to so submit such information would result in said penalty."

and inserting in place thereof, the following:-

"If an owner or lessee of Class one, residential, real property, as defined by this chapter fails to submit such information within the time and in the form prescribed, in addition to any other penalties, there shall be added to the real property tax levied upon the property in question for the next ensuing tax year the amount of fifty dollars; provided, however, that the board of assessors informed said owner or lessee that failure to so submit such information would result in said penalty."

"If an owner or lessee of Class three, or four real property, as defined by this chapter fails to submit such information within the time and in the form prescribed, in addition to any other penalties, there shall be added to the real property tax levied upon the property in question for the next ensuing tax year in the amount of $500 provided, however, that the board of assessors informed said owner or lessee that failure to so submit such information would result in said penalty."

SECTION 11. Section 38D of Chapter 59 is hereby amended in paragraph two by striking the first sentence and inserting in place thereof the following sentence:-

Failure of an owner or lessee of real property to comply with such request within 60 days after it has been made by the Board of Assessors shall be automatic grounds for dismissal of a filing at the Appellate Tax Board. The Appellate Tax Board and the County Commissioners shall be prohibited from granting extensions for the purposes of extending the filing requirements unless the applicant was unable to comply with such request for reasons beyond his control or unless he attempted to comply in good

faith.

SECTION 12. Section 29 of chapter 59 of the General Laws, as so appearing, is hereby amended by striking out, in line 20, the words “”thirty days after the mailing of the tax bills” and inserting in place thereof the following words”- the last day for filing an application for abatement of the tax.
SECTION 13. Said chapter 59 is hereby further amended by inserting after section 31 the following section:-
Section 31A. For the purpose of verifying that any person required to file a true list of taxable personal property under section 29 has made a complete and accurate accounting of that property, the assessors may at any time within 3 years after the date the list was due, or the date the list was filed, whichever is later, examine the books, papers, records and other data of the person required to file the list. The assessors may compel production of books, papers, records and other data of the person through issuance of a summons served in the same manner as summonses for witnesses in criminal cases issued on behalf of the commonwealth, and all provisions of law relative to summonses in such cases shall, so far as applicable, apply to summonses issued under this section. Any justice of the supreme judicial court or of the superior court may, upon the application of the assessors, compel the production of books, papers, records, and other data in the same manner and to the same extent as before the said courts.
SECTION 14. Section 32 of said chapter 59, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following 2 sentences:-
Lists filed under section 29 and books, papers, records and other data obtained under section 31A, shall be open to the inspection of the assessors, the commissioner, the deputies, clerks and assistants of either the assessors or the commissioner and any designated private auditor of the commissioner or the assessors as may have occasion to inspect the lists, books, papers, records and other data in the performance of their official, contractual or designated duties, but so much of the lists, books, papers, records and other data as shows the details of the personal estate shall not be open to any other person except by order of a court. For purposes of this section, a designated private auditor shall be an individual, corporation or other legal entity selected by the commissioner or any city or town to value personal property or perform an audit which includes the assessing department of a city or town under any legal authority, including the examination of records under section 31A, an audit under sections 40 or 42A of chapter 44 or an investigation under section 46A of chapter 44.
SECTION 15. Section 56 of said chapter 40, as so appearing is hereby amended by adding the following paragraph:-
Notwithstanding the first paragraph or any other general or special law, the commissioner may, from time to time, issue a revised schedule for the year in which he shall certify whether the board of assessors is assessing property at full and fair cash valuation. After the schedule is issued, a city or town may classify in the manner set forth in this section for any year before the next year of certification established in the schedule for the city or town. In arranging the schedule the commissioner shall, so far as practicable and appropriate, consider but not be limited to the following goals: balancing the number of certification reviews conducted in each year of the triennial period, facilitating and implementing joint or cooperative assessing agreements or districts, assisting boards of assessors to comply with any minimum standards of assessment performance established under section 1 of chapter 58 and producing uniformity in the valuation, classification and assessment of property within each city or town and throughout the commonwealth.

SECTION 16. Section 8 of chapter 58 of the General Laws, as so appearing, is hereby amended by striking out the second and third paragraphs and inserting in place thereof the following paragraph:-
The commissioner shall make, and from time to time revise, rules, regulations and guidelines necessary for establishing an expedited procedure for granting authority to abate taxes, assessments, rates, charges, costs or interest under this section in such cases as he determines are in the public interest and shall from time to time for such periods as he considers appropriate authorize the assessors or the board or officer assessing the tax, assessment, rate or charge, to grant these abatements. No abatement authorized

by these procedures shall be granted unless the assessors or board or officer shall certify, in writing, under pains and penalties of perjury that the procedures have been followed. The commissioner shall require yearly reports and audits of these abatements by assessors or boards or officers that the commissioner considers necessary to ensure that any authority granted under this paragraph has been properly exercised, and shall withdraw this grant of authority to any particular assessors, board or officer upon his written determination that the authority has been improperly exercised. The commissioner may make, and from time to time revise, reasonable rules, regulations, and guidelines that he considers necessary to carry out this paragraph."

Further, Ms. Clark of Melrose moves to strike "Section 9" from line 334 and insert "Section 17" in its place; strike "Section 10" from line 336 and insert "Section 18" in its place; strike "Section 11" from line 345 and insert "Section 19" in its place; strike "Section 12" from line 416 and insert "Section 19" in its place.

AMENDMENT NO. 30 **CONSOLIDATED**
Mr. Bowles of Attleboro moves to amend the bill in section 11 subsection e by striking the entire paragraph.

AMENDMENT NO. 31 **CONSOLIDATED**
Representative Aguiar of Fall River moves that the bill be amended in Section 11 (d) by deleted the last sentence beginning with "All Participants must forego….and ending with resulting from this program".

AMENDMENT NO. 32 **CONSOLIDATED**
Representative Michael Kane of Holyoke moves to amend the bill (House No. 4618), by inserting at the end thereof the following new section: -

SECTION X. The General Laws are hereby amended by inserting after Chapter 23J the following chapter: --

CHAPTER 23K. MORE INFRASTRUCTURE PROGRAM

Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Agency", the Massachusetts Development Finance Agency established pursuant to section 2 of chapter 23G of the General Laws, as amended from time to time.

"Amended improvement plan" a plan describing any change to the improvement plan with respect to the boundaries of a development zone, or material change to the method of assessing costs, description of improvements, the maximum cost of the improvements, or method of financing the improvements that is approved through the same procedures as the original improvement plan adopted pursuant to this chapter.

"Assessing party", shall mean the municipality, or other public instrumentality, as identified in the improvement plan to assess any infrastructure assessments in the development zone.

"Cost", shall include the cost of: (a) construction, reconstruction, renovation, demolition, maintenance and acquisition of all lands, structures, real or personal property, rights, rights-of-way, utilities, franchises, easements, and interests acquired or to be acquired by the public facilities owner; (b) all labor and materials, machinery and equipment including machinery and equipment needed to expand or enhance services from the municipality, the commonwealth or any other political subdivision thereof to the

development zone; (c) financing charges and interest prior to and during construction, and for 1 year after completion of the improvements, interest and reserves for principal and interest, including costs of municipal bond insurance and any other type of credit enhancement or financial guaranty and costs of issuance; (d) extensions, enlargements, additions, and enhancements to improvements; (e) architectural, engineering, financial and legal services; (f) plans, specifications, studies, surveys and estimates of costs and of revenues; (g) administrative expenses necessary or incident to the construction, acquisition, and financing of the improvements; and (h) other expenses as may be necessary or incident to the construction, acquisition, maintenance, and financing of the improvements.

"Development zone", one or more parcels of real estate in the municipality described in the improvement plan and to be benefited by the improvements and subject to infrastructure assessments as described in the improvement plan.

"Infrastructure assessments", assessments, betterments, special assessments, charges or fees as described in this chapter and the improvement plan and assessed by the assessing party upon the real estate within the development zone to defray the cost of improvements financed in accordance with this chapter.

"Improvement plan", a plan set forth in the petition for the establishment of a development zone setting forth the proposed improvements, services and programs, revitalization strategy, replacement and maintenance plan, the cost estimates for said improvements, and the replacement and maintenance program, the identity of the public facilities owner or owners and the administrator of the plan, the boundaries of the development zone, the analysis of any costs of financing said improvements, the identification of the assessing party, the method and structure of the infrastructure assessments, the selection of any or all of the assessing powers listed in section 4 that shall be utilized by the assessing party within the development zone, the description of the infrastructure development project within the development zone, the proposed use of any bonds or notes to finance such project by the agency, the participation of the agency, if any, in a district improvement financing program as described in section 7, and if so, a description of any assessing powers to be utilized, and the estimates of the costs and expenses to be levied and assessed on the real estate in the development zone.

"Improvements", the acquiring, laying, constructing, improving and operating of capital improvements to be owned by a public facilities owner, including, but not limited to, storm drainage systems, dams, sewage treatment plants, sewers, water and well systems, roads, bridges, culverts, tunnels, streets, sidewalks, lighting, traffic lights, signage and traffic control systems, parking, including garages, public safety and public works buildings, parks, landscaping of public facilities, cultural and performing arts facilities, recreational facilities, marine facilities such as piers, wharfs, bulkheads and sea walls, transportation stations and related facilities, shuttle transportation equipment, fiber and telecommunication systems, facilities to produce and distribute electricity, including alternate energy sources such as co-generation and solar installations, the investigation and remediation associated with the cleanup of actual or perceived environmental contamination within the development zone in accordance with applicable governmental regulations and provided that no such investigation or remediation shall impair the rights of the public facilities owner or any other person to contribution or reimbursement from any potentially responsible party for the costs thereof, and other improvements; provided that improvements shall not include any improvements located in, or serving, so-called "gated communities", not including age restricted developments operated by non-profit organizations, that prohibit access to the general public and any type of improvement that is specifically prohibited in the Untied States internal revenue code from using tax-exempt financing.

"Infrastructure development project", the acquisition, construction, expansion, improvement or equipping of improvements serving any new or existing commercial, retail, industrial, or residential facilities or mixed use project.

"Massachusetts opportunity rebuilding and expansion infrastructure program", or "MORE infrastructure", a program established under this act, designed to finance infrastructure improvements benefiting existing and new residential, commercial and industrial properties and the citizens and businesses of the commonwealth.

"Municipal governing body", in a city, the city council with the approval of the mayor, and in a city having a Plan D or E form of charter, the city council with the approval of the city manager, the town council in a town with a town council form of government, or otherwise the town meeting and the board of selectmen in a town with a town meeting form of government, except that in the case of a town when a petition or petition submitted with an amended improvement plan, is signed by 100 percent of the persons owning real estate in the development zone, the board of selectmen shall constitute the municipal governing body and may also in connection with said petition, accept the provisions of this act.

"Municipality", a city or town, or cities and towns, if the development zone, is located in more than 1 municipality.

"Person", any natural or corporate person, including bodies politic and corporate, public departments, offices, agencies, authorities and political subdivisions of the commonwealth, corporations, trusts, limited liability companies, societies, associations, and partnerships and subordinate instrumentalities of any one or more political subdivisions of the commonwealth.

"Petition", the document initiating the creation of a development zone as described in section 2 (b).

"Project", an infrastructure development project.

"Public facilities owner", means the municipality, the commonwealth or any other political subdivision or public instrumentality, agency or public authority of the commonwealth, or any instrumentality thereof as defined by the United States internal revenue code and the regulations, rulings and other written determinations of the Internal Revenue Service thereunder, and identified as such, in the improvement plan as the owner of the improvements described in an improvement plan or an amended improvement plan.

Section 2. (a) Each municipality in the commonwealth, acting through its municipal governing body, notwithstanding any general or special law, charter provision, by-law or ordinance to the contrary, may adopt this chapter and is authorized to establish 1 or more development zones pursuant to this chapter. In the event that 2 or more municipalities wish to jointly establish or consolidate contiguous development zones, the municipal governing body of each such municipality wherein said development zone shall be located, shall approve by a majority vote the petition for the establishment of such a development zone.

(b) The establishment of a development zone shall be initiated by the filing of a petition signed by a person or persons owning real estate within the proposed development zone in the office of the clerk of the municipality and the office of the agency. The petition, at a minimum, shall contain:

(1) a legal description of the boundaries of the development zone;
(2) the written consent to the establishment of the development zone or any amended improvement plan, by both (i) the persons with the record ownership of at least 80 percent of the acreage to be included in the development zone and (ii) persons owning at least 80 per cent of the tax parcels within the development zone; provided that any real estate owned by the commonwealth, or any agency, or any political subdivision thereof, included in the boundaries of the development zone shall not be included in the count of persons owning tax parcels or acreage in the development zone for the purposes of this

clause;
(3) the name of the development zone;
(4) a map of the proposed development zone, showing its boundaries, and any current public improvements as are already in existence which may be added to or modified by any improvements;
(5) the estimated timetable for construction of the improvements and the maximum cost of completing said improvements;
(6) the improvement plan for the development zone; and
(7) the procedure by which the municipality will be reimbursed for any costs incurred by it in establishing the development zone, and for any administrative costs to be incurred in the administration and collection of any infrastructure assessments imposed within the development zone.

Section 3. (a) Upon receipt of a petition pursuant to section 2, the city council in the case of cities, the town council in the case of towns with a town council form of government or the board of selectmen in the case of a town with a town meeting form of government shall, within 60 days of said receipt, hold a public hearing on said petition. Written notification of such hearing and a summary of the petition and the improvement plan, shall be provided by the clerk of the municipality to the record owner of each tax parcel within the boundaries of the proposed development zone no later than 14 days prior to such hearing, by mailing a notice to the address listed in the municipality's property tax records. Notification of the hearing shall also be published for 2 consecutive weeks in a newspaper of general circulation in the municipality, the first such publication to be at least 14 days prior to the date of such hearing. Such public notice shall state the proposed boundaries of the development zone, the improvements proposed to be provided in the development zone, the proposed basis for determining any infrastructure assessments with respect to such improvements, and the location or locations for viewing and copying the petition including the improvement plan.

(b) A public hearing pursuant to subsection (a) shall be held to determine if the petition satisfies the criteria of this chapter for a development zone, and to obtain public comment regarding the improvement plan and the effect that the development zone will have on the owners of real estate, tenants and other persons within said development zone, and on the municipality or adjacent communities. Within 45 days after the conclusion of said public hearing, the city manager with the approval of the city council in the case of a city under Plan D or E forms of government, the mayor with the approval of the city council in the case of all other cities, the town council in the case of towns with a town council form of government or otherwise the board of selectmen in the case of a town with a town meeting form of government shall issue recommendations on the petition; provided, however, that said recommendations shall include, but shall not be limited to, the following findings:-

(1) whether the establishment of the development zone is consistent with any applicable element or portion of any master plan of the municipality which shall be confirmed in writing by the municipality's planning board ; and
(2) whether the proposed improvements in the development zone will be compatible with the capacity and uses of existing local and regional infrastructure services and facilities.

(c) Within 21 days of the receipt of the recommendation required pursuant to subsection (b), the municipal governing body, or in the case of a town with a town meeting form of government, the next available town meeting, except that in the case of a petition in a town that is signed by all the persons owning parcels within the proposed development zone, the board of selectmen, without town meeting approval, shall vote on the petition to establish the development zone.

(d) Upon the approval of the petition by majority vote in accordance with subsection (c), notice of such approval shall be promptly filed with the records of the clerk of the municipality, the agency, and the

secretary of the commonwealth. Upon such filing, the development zone shall be deemed established.

(e) The public facilities owner shall have all the rights and powers necessary or convenient to carry out and effectuate this chapter that are consistent with the improvement plan as approved by the municipal governing body, including, but without limiting the generality of the foregoing, the following:

(1) to make and enter into all manner of contracts and agreements necessary or incidental to the exercise of any power granted by this chapter including agreements with the municipality, the commonwealth, the agency and any other city, town or political entity or utility for the provision of services that are necessary to the acquisition, construction, operation or financing of the improvements within the development zone;
(2) to purchase or acquire by lease, lease-purchase, sale and lease-back, gift or devise, or to obtain or grant options for the acquisition of any property, real or personal, tangible or intangible, or any interest therein, in the exercise of its powers and the performance of its duties; to acquire real estate or any interest therein, within the boundaries of the development zone itself, if authorized in the improvement plan, and to acquire real estate or any interest therein outside the boundaries of the development zone, necessary for the acquisition, construction, and operation of the improvements or services relating thereto that are located within the development zone or are related to, or provided by the public facilities owner;
(3) to construct, improve, extend, equip, enlarge, repair, maintain, and operate and administer the improvements for the benefit of the development zone within, or without the development zone; to acquire existing improvements or construct new improvements, including those located under or over any roads, public ways or parking areas, and to enter upon and dig up any private land within the development zone for the purpose of constructing said improvements and of repairing the same;
(4) to accept gifts or goods of funds, property or services from any source, public or private, and comply, subject to the provisions of this chapter and the terms and conditions hereof;
(5) to sell, lease, mortgage, exchange, transfer or otherwise dispose of, or grant options for any such purposes with respect to any of the improvements, real or personal, tangible or intangible, within the development zone, or serving the development zone or any interest therein;
(6) to pledge or assign any money, infrastructure assessments or other revenues relating to any improvements within, or related to the development zone, and any proceeds derived there from;
(7) to enter into contracts and agreements with the municipality, the agency, the commonwealth or any political subdivisions thereof, the property owners of the development zone and any public or private party with respect to all matters necessary, convenient or desirable for carrying out the purposes of this chapter including, without limiting the generality of the foregoing, the acquisition of existing improvements (including utilities or infrastructure outside the development zone but benefiting the development zone), collection of revenue, data processing, and other matters of management, administration and operation; to make other contracts of every name and nature; and to execute and deliver all instruments necessary or convenient for carrying out any of its purposes;
(8) to exercise the powers and privileges of, and to be subject to the limitations upon, municipalities provided in sections 38 to 42K, inclusive, of chapter 40, chapter 80 and chapter 83, in so far as such provisions may be applicable and are consistent with the provisions of this chapter; provided, however, that any requirement in said chapters for a vote by the governing body of a town or city or for a vote by the voters of a town or city, shall be satisfied by a vote or resolution duly adopted by the board of directors, board of selectmen, city council or town council as the case may be;
(9) to invest any funds in such manner and to the extent permitted under the General Laws for the investment of such funds by the treasurer of a municipality;
(10) to employ such assistants, agents, employees and persons, including consulting experts as may be deemed necessary in the public facilities owner's judgment, and to fix their compensation, according to the terms of the improvement plan;
(11) to procure insurance against any loss or liability that may be sustained or incurred in carrying out the purposes of this chapter in such amount as the public facilities owner shall deem necessary and appropriate with 1 or more insurers who shall be licensed to furnish such insurance in the commonwealth;

(12) to apply for any loans, grants or other type of assistance from the United States Government, the commonwealth or any political subdivision thereof that are described in the improvement plan or an amended improvement plan;
(13) to adopt an annual budget and to raise, appropriate, and assess funds in amounts necessary to carry out the purposes for which development zone is formed as described in this chapter and the improvement plan; and
(14) to do all things necessary, convenient or desirable for carrying out the purposes of this chapter or the powers expressly granted or necessarily implied in this chapter.

Section 4. (a) Consistent with the improvement plan, the assessing party, is authorized and empowered to fix, revise, charge, collect and abate infrastructure assessments, for the cost, maintenance, operation ,and administration of the improvements imposed on the real estate, leaseholds or other interests therein, located in the development zone. All real estate within a development zone owned by the commonwealth or any political subdivision, political instrumentality, agency or public authority thereof shall be exempt from such charges unless such charges are specifically accepted by the commonwealth or such political subdivision, political instrumentality, agency or public authority. In providing for the payment of the cost of the improvements or for the use of the improvements, the assessing party may avail itself of the provisions of the General Laws relative to the assessment, apportionment, division, fixing, reassessment, revision, abatement and collection of infrastructure assessments by cities and towns, or the establishment of liens therefore and interest thereon, and the procedures set forth in sections 5and 5A of chapter 254 of the General Laws for the foreclosure of liens arising under section 6 of chapter 183A of the General Laws, as it shall deem necessary and appropriate for purposes of the assessment and collection of infrastructure assessments. The assessing party shall file copies of the improvement plan and any amendments thereof, and all schedules of assessments with the appropriate registry of deeds and the municipality's assessors' records so that notice thereof would be reported on a municipal lien certificate for any real estate parcel located in a development zone. Notwithstanding any general or special law to the contrary, the assessing party may pay the entire cost of any improvements, including the acquisition thereof, during construction or after completion, or the debt service of notes or bonds used to fund such costs, from infrastructure assessments, and may establish said infrastructure assessments prior to, during, or within 1 year after completion of construction or acquisition of any improvements. The assessing party may establish a schedule for the payment of infrastructure assessments not to exceed 35 years. The assessing party may determine the circumstances under which the infrastructure assessments may be increased, if at all, as a consequence of delinquency or default by the owner of a parcel within the development zone. To provide for the collection and enforcement of its infrastructure assessments, the assessing party is hereby granted all the powers and privileges with respect thereto held by the municipality on the effective date of this chapter or as otherwise provided in this chapter, to be exercised concurrently with the municipality.

The infrastructure assessments of general application authorized by this chapter may only be increased for administrative expenses in excess of the infrastructure assessments described in the improvement plan, and shall be in accordance with the procedures to be established by the assessing party for assuring that interested persons are afforded notice and an opportunity to present data, views and arguments. The assessing party shall hold at least 1 public hearing on its schedule of infrastructure assessments or any revision thereof prior to adoption by the assessing party, notice of which shall be delivered to the municipality and be published in a newspaper of general circulation in the municipality at least 14 days in advance of the hearing. No later than the date of such publication, the assessing party shall make available to the public and deliver to the municipality the proposed schedule of infrastructure assessments.
The infrastructure assessments established by the assessing party shall not be subject to supervision or regulation by any department, division, commission, board, bureau, or agency of the commonwealth or any of its political subdivisions, including without limitation, the municipality, if it is not the assessing

party, nor shall the assessing party be subject to the provisions of sections 20A and 21C of chapter 59.

Notwithstanding any general or special law to the contrary, the assessing party may contract with one or more persons for any services required by the assessing party regarding the assessment, apportionment, division, fixing, reassessment, revision, collection and enforcement of infrastructure assessments hereunder, and the fees, costs and other expenses thereof shall be included in the calculation of the infrastructure assessments levied by the assessing party hereunder.

The infrastructure assessments established by the assessing party in accordance with this chapter shall be fixed and adjusted in respect of the aggregate thereof so as to provide revenues at least sufficient to: (i) to pay the administrative expenses of the assessing party; (ii) to pay the principal of, premium, if any, and interest on bonds, notes or other evidences of indebtedness of the agency under this chapter as the same becomes due and payable; (iii) to create and maintain such reasonable reserves as may be reasonably required by any trust agreement or resolution securing bonds; (iv) to provide funds for paying the cost of necessary maintenance, repairs, replacements and renewals of the improvements; and (v) to pay or provide for any amounts that the agency may be obligated to pay or provide for by law or contract, including any resolution or contract with or for the benefit of the holders of its bonds and notes, provided that the assessing party shall not be required to increase any infrastructure assessments by virtue of any individual property owner delinquencies.

Notwithstanding any general or special law to the contrary, the agency shall not be precluded from carrying out its obligations under this chapter if it has previously provided technical, real estate, lending, financing, or other assistance to: (i) an infrastructure development project including, but not limited to, a project in which the agency may have a economic interest; (ii) a development zone; or (iii) a municipality associated with, or that may benefit from, an infrastructure development project.

(b) As an alternative to levying infrastructure assessments under any other provisions of this chapter or the General Laws, the assessing party may levy special assessments on real estate, leaseholds, or other interests therein within the development zone to finance the cost of the improvements and the maintenance, repair, replacement and renewal thereof, and the expense of administration thereof. In determining the basis for and amount of the special assessment, the cost of the improvements and the maintenance, repair, replacement and renewal thereof, and the expense of administration thereof, including the cost of the repayment of the debt issued or to be issued by the agency to finance the improvements, may be calculated and levied using any of the following methods that result in fairly allocating the costs of the improvements to the real estate in the development zone:

(1) equally per length of frontage, or by lot, parcel, or dwelling unit, or by the square footage of a lot, parcel or dwelling unit;
(2) according to the value of the property as determined by the municipality's board of assessors; or
(3) in any other reasonable manner that results in fairly allocating the cost, administration and operation of the improvements, according to the benefit conferred or use received including, but not limited to, by classification of commercial or residential use or distance from the improvements.

The assessing party, consistent with the improvement plan, may also provide for the following:

(1) a maximum amount to be assessed with respect to any parcel;
(2) a tax year or other date after which no further special assessments under this section shall be levied or collected on a parcel;
(3) annual collection of the levy without subsequent approval of the assessing party;
(4) the circumstances under which the special assessment levied against any parcel may be increased, if

at all, as a consequence of delinquency or default by the owner of that parcel or any other parcel within the development zone;
(5) the circumstances under which the special assessments may be reduced or abated; and
(6) the assessing party may establish procedures allowing for the prepayment of infrastructure assessments under this chapter.

(c) Infrastructure assessments, levied under this chapter shall be collected and secured in the same manner as property taxes, betterments, and assessments and fees owed to the municipality unless otherwise provided by the assessing party and shall be subject to the same penalties and the same procedure, sale, and lien priority in case of delinquency as is provided for such property taxes, betterments and liens owed to the municipality. Any liens imposed by the municipality for the payment of property taxes, betterments and assessments shall have priority in payment over any liens placed on real estate within the development zone.

(d) Notwithstanding any general or special act to the contrary, the agency, the municipality, or any other public facilities owner are each authorized to contract with 1 or more owners of real estate within a development zone to acquire or undertake improvements within the development zone. Upon completion, such improvements shall be conveyed to the public facilities owner, provided that the consideration for said conveyance shall be limited to the cost of said improvements.

Section 5. (a) In addition to the powers granted pursuant to chapter 23G and chapter 40D of the General Laws, the agency is hereby authorized to borrow money and issue and secure its bonds for the purpose of financing improvements as provided in and subject to, the provisions of this chapter; provided further that the provisions of said chapters 23G and 40D of the General Laws shall apply to bonds issued under this section, except that the provisions of subsection (b) of section 8 of said chapter 23G and section 12 of said chapter 40D shall not apply to bonds issued pursuant to this chapter or the improvements financed thereby; and provided further, that the improvements financed by the agency pursuant to this chapter shall constitute a project within the meaning of section 1 of said chapter 23G and section 1 of said chapter 40D, but shall not be considered facilities to be used in a commercial enterprise. With respect to the issuance of bonds or notes for the purposes of this chapter in the event of a conflict between this chapter and chapter 23G, the provisions of this chapter shall control.

Nothing in this chapter shall be construed to limit or otherwise diminish the power of the agency to finance the costs of projects authorized pursuant to said chapter 23G and said chapter 40D within the development zone or the municipality upon compliance with the provisions of said chapter 23G and said chapter 40D.

(b) The agency is hereby authorized and empowered to provide by resolution of its board of directors, from time to time, for the issuance of bonds or notes of the agency for any of the purposes set forth in this chapter. Bonds issued hereunder shall be special obligations payable solely from particular funds and revenues generated from infrastructure assessments levied pursuant to this chapter as provided in such resolution. No bonds or notes shall be issued by the agency pursuant to this chapter until the agency's board of directors has determined that the bonds or notes trust agreement and any related financing documents are reasonable and proper and comply with this chapter. The agency may charge a reasonable fee in connection with the review of such documentation by its staff and board of directors. Without limiting the generality of the foregoing, such bonds may be issued to pay or refund notes issued pursuant to this chapter, to pay the cost of acquiring, laying, constructing, and reconstructing the improvements. The bonds of each issue shall be dated, shall bear interest at the rates, including rates variable from time to time, and shall mature at the time or times not exceeding 35 years from their date or dates, as determined by the agency, and may be redeemable before maturity, at the option of the agency or the holder thereof, at the price or prices and under the terms and conditions fixed by the agency before the

issuance of the bonds. The agency shall determine the form of the bonds, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the commonwealth and such other locations as designated by the agency. In the event an officer whose signature or a facsimile of whose signature shall appear on any bonds shall cease to be an officer before the delivery of the bonds, the signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until the delivery. The bonds shall be issued in registered form. The agency may sell the bonds in a manner and for a price, either at public or private sale, as it may determine to be for the best interests of the development zone.

Before the preparation of definitive bonds, the agency may, under like restrictions, issue interim receipts or temporary bonds exchangeable for definitive bonds when the bonds have been executed and are available for delivery. The agency may also provide for the replacement of any bonds that shall become mutilated or shall be destroyed or lost. The issuance of the bonds, the maturities, and other details thereof, the rights of the holders thereof, and the agency in respect of the same, shall be governed by this chapter insofar as the same may be applicable.

While any bonds or notes of the agency remain outstanding, its powers, duties or existence shall not be diminished or impaired in any way that will affect adversely the interests and rights of the holders of such bonds or notes. Bonds or notes issued under this chapter, unless otherwise authorized by law, shall not be deemed to constitute a debt of the commonwealth or the municipality, or a pledge of the faith and credit of the commonwealth or of the municipality, but the bonds or notes shall be payable solely by the agency as special obligations payable from particular funds collected from infrastructure assessments levied pursuant to this chapter and any revenues derived from the operation of the improvements. Any bonds or notes issued by the agency under this chapter, shall contain on the face thereof a statement to the effect that neither the commonwealth, or the municipality, shall be obliged to pay the same or the interest thereon, and that the faith and credit or taxing power of the commonwealth, the municipality, or the agency is not pledged to the payment of the bonds or notes. All bonds or notes issued under this chapter shall have and are hereby declared to have all the qualities and incidents of negotiable instruments as defined in section 3-104 of chapter 106 of the General Laws.

Issuance by the agency of 1 or more series of bonds or notes for 1 or more purposes shall not preclude it from issuing other bonds or notes in connection with the same project or any other project; provided, however, that the resolution or trust indenture wherein any subsequent bonds or notes may be issued shall recognize and protect any prior pledge made for any prior issue of bonds or notes unless in the resolution or trust indenture authorizing such prior issue the right is reserved to issue subsequent bonds on a parity with such prior issue.

(c) In the discretion of the agency, bonds issued pursuant to this chapter may be secured by a trust agreement between the agency and the bond owners or a corporate trustee which may be any trust company or bank having the powers of a trust company within or without the commonwealth. A trust agreement may pledge or assign, in whole or in part, the revenues, funds and other assets or property held or to be received by the assessing party, or the agency including without limitation all monies and investments on deposit from time to time in any fund of the assessing party or the agency or any account thereof and any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the assessing party or the agency, and the proceeds thereof. A trust agreement may pledge or assign, in whole or in part, development zone revenues, funds and other assets or property relating to the development zone held or to be received by the assessing party or the agency. A trust agreement may contain, without limitation, provisions for protecting and enforcing the rights, security and remedies of the bondholders, provisions defining defaults and establishing remedies, which may include acceleration and may also contain restrictions on the

remedies by individual bondholders. A trust agreement may also contain covenants of the agency concerning the custody, investment and application of monies, the issue of additional or refunding bonds, the use of any surplus bond proceeds, the establishment of reserves and the regulation of other matters customarily treated in trust agreements. It shall be lawful for any bank or trust company to act as a depository of any fund of the assessing party or the agency or trustee under a trust agreement, provided it furnishes indemnification and reasonable security as the agency may require. Any assignment or pledge of revenues, funds and other assets and property made by the assessing party or the agency shall be valid and binding and shall be deemed continuously perfected for the purposes of chapter 106 and other laws when made. The revenues, funds and other assets and property, rights therein and thereto and proceeds so pledged and then held or thereafter acquired or received by the assessing party or the agency shall immediately be subject to the lien of such pledge without any physical delivery or segregation or further act, and the lien of any such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the trust, whether or not such parties have notice thereof. The trust agreement by which a pledge is created need not be filed or recorded to perfect the pledge except in the records of the agency and no filing need be made pursuant to said chapter 106. Any pledge or assignment made by the agency is an exercise of its political and governmental powers, and revenues, funds, assets, property and contract or other rights to receive the same and the proceeds thereof which are subject to the lien of a pledge or assignment created under this chapter shall not be applied to any purposes not permitted by the pledge or assignment.

(d) The agency is hereby authorized and empowered to issue, from time to time, notes of the agency in anticipation of federal, state or local grants for the cost of acquiring, constructing or improving the development zone's improvements or in anticipation of bonds to be issued pursuant to this chapter. Said notes shall be authorized, issued and sold in the same manner as, and shall otherwise be subject to the other provisions of this chapter. Such notes shall mature at such time or times as provided by the issuing resolution of the agency and may be renewed from time to time; provided, however, that all such notes and renewals thereof shall mature on or prior to 20 years from their date of issuance.

(e) In addition to other security provided herein, or otherwise by law, bonds, notes or obligations issued by the agency under any provision of this chapter, may be secured, in whole or in part, by a letter of credit, line of credit, bond insurance policy, liquidity facility or other credit facility for the purpose of providing funds for payments in respect of bonds, notes or other obligations required by the holder thereof to be redeemed or repurchased prior to maturity or for providing additional security for such bonds, notes or other obligations. In connection therewith, the agency may enter into reimbursement agreements, remarketing agreements, standby bond purchase agreements and any other necessary or appropriate agreements. The assessing party may pledge or assign any of its revenues as security for the reimbursement by the it to the agencies or providers of such letters of credit, lines of credit, bond insurance policies, liquidity facilities or other credit facilities of any payments made under the letters of credit, lines of credit, bond insurance policies, liquidity facilities or other credit facilities.

(f) In connection with, or incidental to, the issuance of bonds, notes or other obligations, the agency may enter into such contracts as the agency may determine to be necessary or appropriate relative to the issuance thereof and the interest payable thereon or to place the bonds, notes or other obligations of the agency, as represented by the bonds or notes, or other obligations in whole or in part, on such interest rate or cash flow basis as the agency may determine appropriate, including without limitation, interest rate swap agreements, insurance agreements, forward payment conversion agreements, futures contracts, contracts providing for payments based on levels of, or changes in, interest rates or market indices, contracts to manage interest rate risk, including without limitation, interest rate floors or caps, options, puts, calls and similar arrangements. Such contracts shall contain such payment, security, default, remedy and other terms and conditions as the agency may deem appropriate and shall be entered into with such party or parties as the agency may select, after giving due consideration, where applicable, for the credit

worthiness of the counter party or counter parties, including any rating by a nationally recognized rating agency, the impact on any rating on outstanding bonds, notes or other obligations or any other criteria the agency may deem appropriate.

(g) The agency shall have the power out of any funds available therefore to purchase its bonds or notes. The agency may hold, pledge, cancel or resell such bonds or notes, subject to and in accordance with agreements with bondholders. The agency may issue refunding bonds for the purpose of paying any of its bonds at maturity or upon acceleration or redemption. Refunding bonds may be issued at such time or times prior to the maturity or redemption of the refunded bonds as the agency deems to be in the public interest. Refunding bonds may be issued in sufficient amounts to pay or provide for the principal of the bonds being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of such bonds, the expense of issuing the refunding bonds, the expense of redeeming bonds being refunded and such reserves for debt service or other capital from the proceeds of such refunding bonds as may be required by a trust agreement or resolution securing the bonds and, if considered advisable by the agency, for the additional purpose of the acquisition, construction or reconstruction and extension or improvement of improvements. All other provisions relating to the issuance of refunding bonds shall be as set forth in this chapter insofar as the same may be applicable.

(h) All moneys received pursuant to the provisions of this chapter, whether as proceeds from the issue of bonds or notes, or as revenue or otherwise, shall be deemed trust funds to be held and applied solely as provided in this chapter.

(i) Bonds or notes issued under this chapter are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments and within the limits set by the General Laws, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature may properly and legally invest funds, including capital in their control and belonging to them; and the bonds are hereby made obligations that may properly and legally be made eligible for the investment of savings deposits and income thereof in the manner provided by section 2 of chapter 167E. The bonds or notes are hereby made securities that may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or other obligations of the commonwealth is now or may hereafter be authorized by law.

Notwithstanding any general or special law to the contrary, or any provision in their respective charters, agreements of associations, articles or organization, or trust indentures, domestic corporations organized for the purpose of carrying on business within the commonwealth, including without implied limitation any electric or gas company as defined in section 1 of chapter 164, railroad corporations as defined in section 1 of chapter 160, financial institutions, trustees and the municipality may acquire, purchase, hold, sell, assign, transfer, or otherwise dispose of any bonds, notes, securities or other evidence of indebtedness of the agency provided that they are rated similarly to other governmental bonds or notes, and to make contributions to the agency, all without the approval of any regulatory authority of the commonwealth.

(j) Any holder of bonds or notes issued under this chapter, and a trustee under a trust agreement, except to the extent its rights may be restricted by the trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce all rights under the laws of the commonwealth or granted hereunder or under the trust agreement, and may enforce and compel the performance of all duties required by this chapter or by the trust agreement, to be performed by the agency or by any officer thereof.

(k) Notwithstanding any of the provisions of this chapter or any recitals in any bonds or notes issued under this chapter, all such bonds or notes shall be deemed to be investment securities under the provisions of chapter 106.

(l) Bonds or notes may be issued under this chapter without obtaining the consent of any department, division, commission, board, bureau or agency of the commonwealth or the municipality, and without any proceedings or the happening of any other conditions or things than those proceedings, conditions or things that are specifically required thereof by this chapter, and the validity of and security for any bonds or notes issued by the agency shall not be affected by the existence or nonexistence of any such consent or other proceeding conditions, or things.

Section 6. Bonds or notes issued by the agency and their transfer and their interest or income, including any profit on the sale thereof, and the improvements belonging to the public facilities owner shall at all times be exempt from taxation within the commonwealth, provided that nothing in this chapter shall act to limit or restrict the ability of the commonwealth or the municipality to otherwise tax the individuals and companies, or their real or personal property or any person living or business operating within the boundaries of the development zone.

Section 7. For purposes of this chapter, the agency may also issue bonds secured by infrastructure assessments pursuant to and according to the terms of chapter 40Q of the General Laws. With the approval of the municipal governing body and the Massachusetts Economic Assistance Coordinating Council, the agency may issue its bonds in place of those of the municipality pursuant to, and according to the terms of chapter 40Q, provided that the municipality has fulfilled all requirements set forth in said chapter 40Q that would be required of the municipality if it were itself issuing bonds pursuant to said chapter 40Q. In addition, the municipality shall include in its "invested revenue district development program" as defined in said chapter 40Q, a description of the rights and responsibilities of the assessing party, the agency and the municipality with respect to said program. In such case, the municipality may designate the agency as the issuer of bonds pursuant to said chapter 40Q for the purpose of financing any of the "project costs" as defined in said chapter 40Q and that are located in, or functionally serving the needs of the development zone. The municipality shall determine the percentage of the "captured assessed valuation," as defined in said chapter 40Q, of property within the boundaries of the development zone that the municipality is pledging pursuant to an invested revenue district development program as defined in said chapter 40Q for the payment of the agency's bonds. With the written agreement of the person or persons owning 1 or more specific tax parcels in the development zone, the assessing party may adopt a plan whereby any of the assessing powers described in this chapter are made applicable exclusively to said parcels in order to secure and fund the debt service for the bonds. The "project costs" as defined in said chapter 40Q, shall not be reduced by the amount of the revenues derived pursuant to this chapter and said revenues derived from such a plan, may be made contingent upon or abated, in whole or in part, by the assessing party upon the receipt of the anticipated revenues generated through the pledged captured assessed valuation. At its option, the municipality may waive any adjustment for the "inflation factor" described in said chapter 40Q, in order to increase the captured assessed valuation available to finance improvements benefiting the development zone. The assessing party, the agency and the municipality shall enter into an agreement delineating the rights and responsibilities of each pursuant to such district improvement financing.

Section 8. The agency may make representations and agreements for the benefit of the holders of the agency's bonds and notes or other obligations to provide secondary market disclosure information. The agreement may include: (1) covenants to provide secondary market disclosure information (2) arrangements for such information to be provided with the assistance of a paying agent, trustee, dissemination or other agent; and (3) remedies for breach of the agreements, which remedies may be

limited to specific performance.

Section 9. The collector-treasurer of each municipality, at the option of the municipality and the agency, may collect any infrastructure assessments including any recording fees, on behalf of the agency pursuant to an agreement between the municipality and the agency and to disburse the funds to any designated management entity or financial institution selected by agency. The collector-treasurer shall disburse revenues to the management entity or financial institution within 30 days of the collection of such fees, together with the interest earned on the holding of such fees.

Section 10. (a) This chapter shall be considered to provide an exclusive, additional, alternative and complete method of accomplishing the purposes of this chapter and exercising the powers authorized hereby and shall be considered and construed to be supplemental and additional to, and not in derogation of, powers conferred upon the agency, the assessing party or the public facilities owner, by law; but, insofar as the proceedings of this chapter are inconsistent with any general or specific law, administrative order or regulation, or any resolution or ordinance of the municipality, this chapter shall be controlling. Without limiting the generality of the foregoing, no provision of any resolution or ordinance of the municipality requiring ratification by the voters of certain bond issues shall apply to the issuance of bonds or notes of the agency pursuant to this chapter, nor shall be applicable to the manner of voting or the limitations as to the amount and time of payment of debts incurred by the agency.

(b) Except as specifically provided in this chapter, all other statutes, ordinances, resolutions, rules and regulations of the commonwealth and the municipality shall be fully applicable to the property, property owners, residents and businesses located in the development zone. This chapter shall not obligate the municipality or the agency to pay any costs for the acquisition, construction, equipping or operation and administration of the improvements located within the development zone.

AMENDMENT NO. 33 **CONSOLIDATED**
Mr. Kane of Holyoke hereby moves that H.4618 be amended by adding in Section 11, the following language:
(j) For purposes of sections (a) through (i) the chief executive officer shall be the manager of the municipal lighting plant for all matters affecting municipal lighting plant employees.

AMENDMENT NO. 34 **CONSOLIDATED**
Mr. Greene of Billerica moves to amend the bill by adding the following section:

"SECTION 13. Section 21 of Chapter 40B, as appearing in the 2006 Official Edition, is hereby amended by adding at the end thereof the following paragraph:

If the profit of a limited dividend organization exceeds the applicable reasonable return, any excess profits shall be deposited with the municipality in which the development is located and may be used for affordable housing, infrastructure, land use and master planning, public safety or education."

AMENDMENT NO. 35 **CONSOLIDATED**
Mr. Rogers of Norwood moves to amend the bill by adding at the end thereof the following three new sections:

SECTION XX: Section 7 of chapter 44 of the General Laws is hereby amended by inserting after clause 17 the following new clause: - (17A) For dredging of tidal and non-tidal rivers and streams, harbors, channels and tide waters, ten years.

SECTION YY. Section 7 of chapter of the General Laws is hereby amended by inserting at the end

thereof the following new clause: - (32) For the cost of cleaning up or preventing pollution caused by existing or closed municipal facilities not defined in clause 21 of section 8 of chapter 44 including clean up or prevention activities taken pursuant to chapter 21E or chapter 21H, twenty years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental protection and the approval of said department has been granted therefore, ten years.

SECTION ZZ. These sections shall take effect upon their passage.

AMENDMENT NO. 36 **CONSOLIDATED**
Mr. Alicea of Charlton moves to amend the bill in Section 11(d) line 371, by striking out the following language:-
"All participants must forego the right to accrued sick and vacation time, and the amount that would have been paid to a retiree for accrued sick and vacation time shall be paid into the municipal, regional or county retirement system to reduce the additional pension liability resulting from this program."

AMENDMENT NO. 37 **CONSOLIDATED**
Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, Ms. Poirier of North Attleboro, and Mr. deMacedo of Plymouth, move to amend H4618 by striking section 8.

AMENDMENT NO. 38 **CONSOLIDATED**
Mr. Hecht of Watertown moves to amend H. 4618 by inserting at the end of the bill the following three sections:-

SECTION __. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by inserting after the word "than", in line 220, the following words:-

a telephone or telegraph corporation subject to tax under section 52A of chapter 63 or.

SECTION __. Said section 5 of said chapter 59 of the General Laws, as so appearing, is hereby further amended by inserting after the words† "two A", in line 223, the following words:-

, other than a telephone or telegraph corporation,.

SECTION __. Clause Sixteenth of said section 5 of said chapter 59 of the General Laws is hereby further amended by striking out paragraph (2), as inserted by SECTION 2 of chapter 173 of the acts of 2008, and inserting in place thereof the following paragraph:-

(2) In the case of (a) a business corporation subject to tax under section 39 of chapter 63 that is not a manufacturing corporation, or (b) a telephone or telegraph corporation subject to tax under section 52A of chapter 63, all property owned by the corporation other than the following:- real estate, poles, underground conduits, wires and pipes, and machinery used in the conduct of the business, which term, as used in this clause, shall not be considered to include stock in trade or any personal property directly used in connection with dry cleaning or laundering processes or in the refrigeration of goods or in the air-conditioning of premises or in any purchasing, selling, accounting
or administrative function. Notwithstanding the preceding sentence, a
telephone or telegraph corporation shall be subject to property tax assessment on machinery used in the conduct of its business and leased to it by a corporation that is not a telephone or telegraph corporation, and the telephone or telegraph corporation shall include such property on its list to the board of assessors where the property is situated under section 29 of this chapter.

AMENDMENT NO. 39 **CONSOLIDATED**
Mr. Madden of Nantucket moves to amend House Bill 4618, in section 11, subsection (g)(ii), by striking the word "regular" in line 398.

AMENDMENT NO. 40 **CONSOLIDATED**
Mr. DiNatale of Fitchburg, Ms. Ehrlich of Marblehead moves to amend the bill in section 8, in line 328 by inserting before the word "the assessors" the following: "If a city or town accepts this section".

AMENDMENT NO. 41 **CONSOLIDATED**
Representative Koczera of New Bedford, Representative Denise Provost, and Representative Mary Grant, move that House Bill 4618 be amended.
SECTION XXX. The Department Elementary and Secondary Education is directed to review and revise reporting requirements imposed on local school districts. Wherever possible, the Department shall consolidate and eliminate said reporting requirements. The Department shall file a report not more than six months after the passage of this act to the Clerks of the House and Senate and the Joint Committee on Education detailing the number of requirements that were eliminated and consolidated, as well as reasons for why certain reports could not be consolidated or eliminated.

AMENDMENT NO. 42 **CONSOLIDATED**
Representative Koczera of New Bedford, Representative Mary Grant, Representative Kate Hogan, and Representative Denise Provost move that House Bill 4618 be amended.

SECTION XXX. (a) The terms used in this section shall have the following meanings unless the context clearly requires otherwise:

"Amnesty period", a period of time commencing not earlier than the date a municipal legislative body establishes a municipal tax amnesty program according to this act and expiring on June 30 2011 or on such earlier date as the municipal legislative body might determine, during which the municipal tax amnesty program established by the municipal legislative body shall be in effect in that city or town.

"Collector", as defined in section 1 of chapter 60 of the General Laws.

"Covered amount", the aggregate of all penalties, fees, charges and accrued interest assessed by the collector or treasurer for the failure of a certain taxpayer to timely pay a subject liability; provided, that the covered amount shall not include the subject liability itself.

"Municipal legislative body", the legislative body of a municipality, subject to its charter.

"Municipal tax amnesty program", a temporary policy whereby a city or town forever waives its right to collect all or any uniform proportion of the covered amount, as determined by the local enacting authority, then due from any person who, prior to the expiration of the amnesty period, voluntarily pays the collector or treasurer the full amount of the subject liability that serves as the basis for said covered amount; provided, that a municipal tax amnesty program shall not include any policy that enables or requires a city or town to waive its right to collect the covered amount from any person who, as of the time the amnesty period commences, is or was the subject of a criminal investigation or prosecution for failure to pay the city or town any subject liability or covered amount.

"Subject liability", the principal amount of a particular tax or excise liability payable by a taxpayer under chapter 59, 60, 60A, or 60B of the General Laws, as determined by the municipal legislative body.

"Treasurer", as defined in chapter 41 of the General Laws.

(b) Notwithstanding any general or special law to the contrary, the municipal legislative body in any city or town may vote to establish a municipal tax amnesty program according to the provisions of this section and shall, at the same time as such vote, determine the amnesty period. Tax amnesty periods shall not extend beyond June 30, 2011. The commissioner of revenue may issue such guidelines as he deems appropriate to carry out this section.

AMENDMENT NO. 43 **CONSOLIDATED**
Representative Koczera of New Bedford, Representative Rosemary Sandlin, Representative Mary Grant, and Representative Denise Provost move that House Bill 4618 be amended.

SECTION XXXX. Section 77 of Chapter 60 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following sentence:-

In no circumstance shall a city of town be deemed to have accepted or received any benefit from such covenant or agreement unless it has collected rent from property in tax title under Section 53, or occupied or rented the property forclosure.

AMENDMENT NO. 44 **CONSOLIDATED**
Mr. Kafka of Stoughton moves to amend the bill by adding the following section:

" SECTION XX. Section 5K of Chapter 59 of the Massachusetts General Laws, as appearing in the 2006 Official Edition, is hereby amended in line 15, after the word "section", the following:

"Such cities and towns shall also have the power to create local rules and procedures allowing for persons over the age of 60 to volunteer to provide services in exchange for a reduction in property tax obligations towards future tax years."

AMENDMENT NO. 45 **CONSOLIDATED**
Mr. Calter of Kingston moves to amend H.4618 by adding the following new section:--
SECTION XX
HEALTH INSURANCE PLAN DESIGN
Section 12 of Chapter 32B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following new paragraph at the end of such section:

> Provided that at least one-third of the members of a joint purchase group's or trust's steering committee or executive committee are appointed by state-wide labor organizations and/or local retirement boards, such joint purchase group or trust shall be authorized to include, as part of the health plans (HMOs, PPOs, indemnity plans) that it offers to the employees and retirees of its governmental unit members, co-payments, deductibles and tiered provider network co-payments (or other plan design features) that are no greater in dollar amount than the highest co-payments, deductibles, and tiered provider network co-payments (or other plan design features) provided in any of the same class (HMOs, PPOs, indemnity plans) of health plans offered by the Group Insurance Commission pursuant to Chapter 32A of the General Laws. For purposes of this section a "Point of Service" plan shall be considered to fall within the PPO class.
>
> The above authorized dollar amounts for co-payments, deductibles and tiered provider network co-payments (or other plan design features) shall be increased whenever the Group Insurance Commission increases the dollar amount of co-payments and/or deductibles and/or tiered provider network co-payments (or other plan design features) on the health plans that it offers.

A governmental unit that is a member of any such joint purchase group or trust may include in the health plans that it offers to its employees or retirees such co-payments, deductibles and tiered provider network

co-payments (or other plan design features) up to the above-referenced amounts without being obligated to bargain pursuant to Chapter 150E of the General Laws concerning the decision to do so or the impact of the decision.

AMENDMENT NO. 46 **CONSOLIDATED**
Mr. Costello of Newburyport moves to amend the bill, House 4618, by inserting after Section 10 the following new section:

SECTION 10A. Notwithstanding any general or special law to the contrary, any purchasing authority, including but not limited to a regional purchasing authority or education collaborative, who purchases on behalf of a city or town, in addition to the 'State Blanket Contract", may also select a vendor who has been pre-approved by the Massachusetts Higher Education Consortium, as long as said vendor offers a price that is lower than what is being offered by other pre-approved vendors seeking the same or similar services.

AMENDMENT NO. 47 **ADOPTED**
Representatives Donelan of Orange, Benson of Lunenburg and Walz of Boston move to amend House Bill 4618 by adding the following at the end thereof:

Section 42B of chapter 71 is hereby amended by striking out paragraph 4, as appearing in the 2008 Official Edition, and inserting in place thereof the following paragraph:-

All such personnel without such status in a city or town in a district whose positions are superseded by reason of the establishment and operation of a newly created regional school district shall be elected to serve in such district by the regional school district committee; provided, however, that there is an available position which such person is certified to fill. All such personnel employed by the regional school district committees shall remain in their collective bargaining units and collective bargaining agreements shall remain in effect until the earlier of renegotiation or expiration at which time they shall be renegotiated. The regional school district committee shall negotiate the consolidation of collective bargaining units. All collective bargaining agreements shall be renegotiated within 5 years of the newly created regional school district. In such a case, personnel shall be given credit by the regional school district committee for all accumulated sick leave, accumulated time towards service with such status, and accumulated sabbatical leave years of service and for terminal compensation due such school personnel on the termination of service.

All such personnel without such status in a city or town in a district whose positions are superseded by reason of the establishment and operation of a regional school district created through expansion or consolidation of existing regional school districts shall be elected to serve in such district by the regional school district committee; provided, however, that there is an available position which such person is certified to fill. All such personnel employed by the regional school district committees shall remain in their collective bargaining units and collective bargaining agreements shall remain in effect until the earlier of renegotiation or expiration at which time they shall be renegotiated. The regional school district committee shall negotiate the consolidation of collective bargaining units. All collective bargaining agreements shall be renegotiated within 5 years of the newly created regional school district. In such a case, personnel shall be given credit by the regional school district committee for all accumulated sick leave, accumulated time towards service with such status, and accumulated sabbatical leave years of service and for terminal compensation due such school personnel on the termination of service.

SECTION 2. Chapter 71 is hereby amended by adding the following section:-

Section 93. For the purposes of this section a partial school district shall mean any city, town or regional school district consisting of less than grade levels kindergarten to grade 12, inclusive.

Any city, town or regional school district authorized after July 1, 2010 shall include grade levels kindergarten to grade 12, inclusive; provided, however, this section shall not apply to a school district establishing or joining a partial school district as an interim step that is included in a written plan for establishing or joining a school district consisting of grade levels kindergarten to grade 12, inclusive; and provided further, this section shall not apply to vocational-technical and commonwealth charter schools.

Chapter 71, section 61 is amended by adding the following:

No city, town or regional school district shall enter into a superintendency union after July 1, 2010; provided, however, this section shall not apply to a school district establishing or joining a superintendency union as an interim step that is included in a written plan for establishing or joining a school district consisting of grade levels kindergarten to grade 12, inclusive.

SECTION 3. There shall be a commission to examine efficient and effective strategies to implement school district collaboration and regionalization. The commission shall consist of 16 members: 1 of whom shall be the secretary of education, or his designee, who shall serve as chair; 1 of whom shall be the commissioner of the department of elementary and secondary education, or his designee; 1 of whom shall be the executive director of the Massachusetts school building authority, or her designee; 1 of whom shall be a member of the house of representatives appointed by the speaker of the house; 1 of whom shall be a member of the house appointed by the minority leader; 1 of whom shall be a member of the senate appointed by the senate president; 1 of whom shall be a member of the senate appointed by the minority leader; 9 of whom shall be appointed by the secretary of education, 1 of whom shall be selected from a list of 3 nominees offered by a representative of the Massachusetts Association of School Superintendents, 1 of whom shall be selected from a list of 3 nominees offered by a representative of the Massachusetts Association of School Committees, 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Association of Regional Schools, 1 of whom shall be selected from a list of 4 nominees offered by the Massachusetts Teachers Association and the American Federation of Teachers of Massachusetts, 1 of whom shall be selected from a list of 3 nominees offered by Massachusetts Association of School Business Officials, 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Business Alliance for Education, 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Municipal Association, and 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Organization of Educational Collaboratives.

The commission shall examine and make recommendations on model approaches regarding, but not limited to, the following areas: (1) identifying indicators for assessing the academic and programmatic quality, overall district capacity, including the effectiveness of the central office, and the fiscal viability, efficiency, and long-term sustainability of school districts; (2) cooperative purchasing of materials and services; (3) inter-district academic and extracurricular programs; (4) merger of school district central office buildings, staff, and operational systems; (5) merger of collective bargaining agreements; (6) merger of debt obligations, including for school building projects; (7) the effect of school district regionalization on educational and instructional outcomes; (8) the effect of school district regionalization on school funding allocations; (9) school consolidation; (10) transitional costs associated with school district regionalization; (11) appropriate time frames for implementing school district regionalization; (12) incentives for school districts to increase collaboration and/or regionalize; (13) revisions of chapter 71 of the General Laws to facilitate the effective implementation of existing and future regional school district agreements; (14) school building capacity and facilities; (15) the feasibility of adopting a regional

district finance structure in which the local contribution of the member cities or towns that such regional district serves is assessed on the basis of a uniform school tax rate; and (16) in-district collaborations between schools, including consolidating buildings, programs, school and central office administration, special education and food service.

The commission shall conduct its first meeting not less than 45 days after the date of enactment of this act and shall issue a final report containing recommendations on or before January 31, 2011. The commissioner of elementary and secondary shall consider such recommendations in implementing the provisions of section 4 of this act. Said commission shall report to the general court the results of its study and its recommendations, if any, together with drafts of legislation necessary to carry out such recommendations, by filing the same with the clerk of the senate who shall forward the same to the chairs of the joint committee on education and the chairs of the senate and house committees on ways and means on or before January 31, 2011.

SECTION 4. Not later than 60 days after the submission of the report described in section 3 of this act, the commissioner of elementary and secondary education shall commence a review of school districts with less than 1,000 students to examine: (1) the academic and programmatic quality of the school district; (2) the capacity of the district, including the effectiveness of the central office of the school district, to support student achievement and the improvement of its schools; (3) the fiscal viability and efficiency of the school district; and (4) the overall sustainability of the school district in future years. The purpose of the review shall be to identify areas of need in these four areas and determine whether those identified areas of need could be adequately addressed through greater collaboration with another district, an educational collaborative, a city, town, or other entity, or through the regionalization of such school district.

The commissioner shall prioritize for review partial school districts as defined in section 93 of chapter 71 of the general laws, superintendency unions as defined in section 61 of said chapter 71, and any school district that, in the commissioner's judgment, warrants immediate review on the basis of exigent concerns related to one or more factors that comprise the review including academic performance and fiscal viability. The commissioner may also select 2 or more districts for concurrent review if, in the commissioner's judgment, such concurrent review would promote the purposes of this act.

In reviewing the academic and programmatic quality of the school district, the commissioner shall examine multiple indicators, which may include the following factors: (1) student performance on the Massachusetts Comprehensive Assessment System; (2) accountability status under state performance measures; (3) accountability status under the Elementary and Secondary Education Act, including for the district, individual schools, and subgroups of students; (4) the percentage of teachers licensed in their teaching assignment; (5) attendance rates; (6) student promotion and graduation rates; (7) student discipline and suspension rates; (8) the availability and variety of academic classes, including enrichment classes and electives, as applicable; (9) the availability and variety of honors, Advanced Placement, and International Baccalaureate classes, as applicable, and the participation of diverse groups of students in such classes; (10) scheduling flexibility in order to access the available and diverse array of electives and educational options; (11) the availability of extracurricular, arts, and athletic activities for students, and the participation of diverse groups of students in such classes; (12) school building capacity and facilities; (13) the quality of school leaders and staff; and (14) possible in-district collaborations between school buildings, including consolidating buildings, programs, school building and central office administration, special education and food service.

In reviewing the effectiveness of the central office of the school district to support the improvement of its schools, the commissioner shall examine multiple indicators, which may include the following factors: (1) the number of staff members in the central office; (2) the number of such staff members whose primary

responsibility involves academic and instructional support for schools, faculty, and students; (3) the extent to which the central office uses data and analysis of such data to tailor effective educational improvement strategies for district schools; (4) the overall provision of services by the district to special populations of students, including, but not limited to, low-income students, English Language Learners, and students with disabilities; (5) the provision of targeted programs by the district to address identified areas of academic need in one or more schools; (6) the provision of professional development programs and activities to improve teacher quality; and (7) the extent of inter-district collaborations and partnerships with outside organizations focused on school performance and student academic achievement.

In reviewing the fiscal viability and efficiency of the school district, the commissioner shall examine multiple indicators, which may include the following factors: (1) the overall budget of the school district; (2) the percentage of such budget expended on instructional purposes; (3) the percentage of such budget expended on non-instructional, operational, or bureaucratic purposes; (4) the extent of inter-district collaborations, arrangements with educational collaboratives, or partnerships with cities or towns for the purpose of generating economic efficiencies; and (5) in-district collaboration between buildings, programs, services and administration.

In reviewing the overall sustainability of the school district in future years, the commissioner shall examine multiple indicators, which may include the following factors: (1) school enrollment data for the district and individual schools, including enrollment projections; (2) population data for the city or town served by the district, including population projections; (3) demographic data for the district and the city or town served by the district, including data related to the number of school-aged children; (4) income data for the city or town served by the district; (5) school building capacity and facilities; and (6) the experience of the district and the city or town served by the district in efficiently and effectively securing budget agreements from year to year.

In conducting any review or concurrent review, the commissioner shall provide ample opportunity for a district or districts to present data or evidence that, in the judgment of the district, is relevant to the review. At the request of the district, the commissioner shall make any and all data or evidence being used in the review available to the district or districts under review. At the request of the commissioner, the district or districts under review shall make all existing data or evidence reasonably needed to conduct the review available to the commissioner.

SECTION 5. Not later than 60 days after the submission of the report described in section 3, the commissioner shall commence an expedited review of school districts for which collaboration and/or regionalization plans have been developed as of the date of enactment of this act. The collaboration and/or regionalization plan for each district or group of districts shall be reviewed to examine the extent to which proposed strategies for increased collaboration or regionalization result in: (1) increased academic and programmatic quality of the school district(s); (2) increased effectiveness of the central office of the school district(s) in supporting student achievement and the improvement of its schools; (3) increased fiscal viability and efficiency of the school district(s); (4) increased cost savings through renegotiated collective bargaining agreements; and (5) stronger sustainability of the school district(s) in future years. The purpose of the review shall be to determine whether the collaboration and/or regionalization plan for the district(s) is sufficient in such areas.

SECTION 6. Not later than 60 days after commencing a review, a concurrent review, or an expedited review, the commissioner shall publicly release a report containing detailed findings of the review. The commissioner shall, on the basis of one or more such findings, recommend options for district action, including but not limited to: (1) the district or districts shall collaborate with one or more districts, an educational collaborative, a city, town, or other entity to address one or more areas of need identified in the review, or (2) the district or districts shall form a regional school district to address one or more areas

of need identified in the review.

The commissioner shall recommend potential approaches for increased collaboration and district regionalization based on the findings of the review and the model approaches recommended by the commission in section 1 of this act. The commissioner shall direct a district or districts to engage in increased collaboration or form a regional school district.

SECTION 7. A district or districts shall, within 60 days of being directed by the commissioner to engage in increased collaboration or form a regional school district pursuant to section 6 of this act, submit a proposal to the commissioner for consideration. Such proposal shall identify which option will be pursued by the district or districts and also include specific strategies that will be implemented by the district or districts.

In the case of a proposal for increased collaboration between or among districts and the entities included in section 6 of this act, the proposal shall include, but not be limited to: (1) identification of partners and strategies for engaging those partners in increased collaboration, (2) programs and services that will be affected by increased collaboration, (3) a description of how the aforementioned programs and services will be administered more effectively or efficiently due to increased collaboration, and (4) how increased collaboration will improve the overall capacity, academic performance, and fiscal viability and sustainability of the district or districts.

In the case of a proposal for regionalization, the district or districts shall develop a plan that includes, but is not limited to: (1) the geographical characteristics of the new district; (2) an inventory of all academic and programmatic offerings in the new district; (3) an inventory of all educational facilities, and the anticipated plan for such facilities; (4) the administrative structure of the new district; (5) a plan for merging the school district central office buildings, staff, pension systems and operational systems of the applicable districts into the new district; (6) a plan for commencing collective bargaining negotiations for the new district; (7) a plan for merging debt obligations of the applicable districts into the new district; (8) a proposed budget for the new district; (9) a student transportation plan and budget for the new district; (10) an expenditure plan related to transition costs in establishing the new district; and (11) an assurance that the new district will comply with all applicable federal and state laws.

The commissioner shall assess proposals based on the likelihood of their success in addressing the areas of need included in the commissioner's review of the applicable districts, and shall accept or propose amendments to such proposal within 30 days. The final plan shall be submitted to the local school committee or committees for approval.

The school committee or committees may request further amendments prior to approving the proposal. In such cases, the committee or committees shall provide the district and commissioner with a detailed statement explaining why the amendments are necessary for success in addressing the areas of need identified in the commissioner's review and subsequent report. In such cases, the district or districts shall amend the proposal according to the school committee or committees' statement and the plan shall be considered final upon submission to the commissioner.

District administrators or the commissioner may appeal decisions regarding final plans to the board of elementary and secondary education.

SECTION 8. Within 60 of approval of the collaboration or regionalization plan as described in section 7 of this act, districts shall submit to the commissioner a detailed implementation plan.

SECTION 9. There shall be a fund established for the purpose of assisting communities with the costs of

regionalizing school districts. Newly formed regional school districts shall be eligible to apply for these funds for the first three fiscal years of the newly formed regional district.

AMENDMENT NO. 48 **ADOPTED**
Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, Ms. Poirier of North Attleboro, and Mr. deMacedo of Plymouth, move to amend H4618 by striking sections 7 through 9, inclusive, and section 12.

AMENDMENT NO. 49 **CONSOLIDATED**
Representative Walz of Boston moves to amend H. 4618 by inserting after section 12 the following section:

SECTION XX. Notwithstanding any general or special law to the contrary, any executive agency which administers a program through which funding may be provided to a municipality shall encourage municipal efficiencies by prioritizing those applications for funds which come from cities or towns that have developed a way to jointly and more efficiently use the funding.

AMENDMENT NO. 50 **CONSOLIDATED**
Representative Walz of Boston moves to amend H. 4618 by inserting after section 12 the following section:

SECTION XX. Chapter 71 of the General Laws is amended by inserting after Section 37M the following section:-
Section 37M 1/2. (a) For any city or town accepting the provisions of this section, not earlier than December first of each alternating year beginning in 2009, and not later than January thirty-first of every other year, the superintendent of schools for each school district serving such municipality shall meet with the mayor, town manager, or chief municipal officer or his designee for that municipality to review the fiscal status of the school district budget and to identify opportunities for cost savings and efficiencies and any potential methodologies, including, but not limited to, joint procurement or consolidation of redundant functions. The results of each meeting shall be transmitted to the local legislative body and the local school committee not later than 30 days after the meeting.

AMENDMENT NO. 51 **CONSOLIDATED**
Representative Walz of Boston moves to amend H. 4618 by inserting after section 12 the following section:

SECTION XX. Section 37 of chapter 71 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting at the end of line 6, the following sentence: "The school committee in each city and town and regional school district shall have the authority to select a superintendent jointly with one or more other school committees and said superintendent shall serve as the superintendent of all of the districts that selected him."

AMENDMENT NO. 52 **CONSOLIDATED**
Representative Walz of Boston moves to amend H. 4618 by inserting after section 12 the following section:

SECTION XX. Chapter 71B of the General Laws is amended by inserting after Section 5A the following new section:-
Section 5B. Special education standard tuition and rates for services provided through approved private day or residential schools set by the Operational Services Division shall take effect on July 1 of each fiscal year.

AMENDMENT NO. 53 **CONSOLIDATED**
Representative Walz of Boston moves to amend H. 4618 by inserting after section 12 the following section:

SECTION XX. Section 16G½ of chapter 71 of the General Laws , as appearing in the 2008 Official Edition, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The stabilization fund may be appropriated by vote of two-thirds of all the members of the regional district school committee for any purpose for which regional school districts may borrow money or for such other district purpose as the director of accounts may approve.

AMENDMENT NO. 54 **CONSOLIDATED**
Representative Walz of Boston moves to amend H. 4618 by inserting after section 12 the following section:

SECTION XX.

SECTION 1. Section 7 of chapter 44 of the General Laws is amended by inserting after the word "specified", in line 3, the following words: - or, except with respect to clauses (11), (16), (18), (21) and (22), within such longer period not to exceed 30 years based upon the maximum useful life of the public work, improvement or asset being financed, as determined in accordance with guidelines established by the division of local services of the department of revenue.

SECTION 2. Said section 7 of said chapter 44, as so appearing, is hereby further amended by striking out in lines 50 to 53 the words "or for such maximum term, not exceeding 15 years, based upon the maximum useful life of the equipment as determined by the board of selectmen or the mayor or city manager of the city or town".

SECTION 3. Said section 7 of said chapter 44, as so appearing, is hereby further amended by inserting after clause (31) the following clause:-
(32) For any other public work, improvement or asset not specified in any of the above clauses, with a maximum useful life of at least 5 years, determined as provided in the first sentence of this section, 5 years.

SECTION 4. Section 8 of said chapter 44, as so appearing, is hereby amended by inserting after the word "specified", in line 3, the following words: - or except with respect to clauses (1), (2), (3A), (5), (6), (7), (9) and (19), within such longer period not to exceed 30 years based upon the maximum useful life of the public work, improvement or asset being financed as determined in accordance with guidelines established by the division of local services of the department of revenue.

SECTION 5. Said section 8 of said chapter 44, as so appearing, is hereby further amended by striking out, in lines 77 and 78, the words "a board composed of the attorney general, the state treasurer and the director" and inserting in place thereof the following words: - the municipal finance oversight board.

SECTION 6. Said section 8 of said chapter 44, as so appearing, is hereby further amended by inserting after the word "vote", in line 190, the following words: - , provided, however, that debt under clause (9) of this section may be authorized by the treasurer of a city, with the approval of the official whose approval is required by the city charter in the borrowing of money, the treasurer of a town with a town council form of government, with the approval of the official whose approval is required by the town

charter in the borrowing of money, the treasurer of a town without a town council form of government, with the approval of the board of selectmen, and the treasurer of a district, with the approval of the prudential committee, if any, otherwise of the commissioners.

SECTION 7. Said chapter 44 is hereby further amended by striking out section 19, as so appearing, and inserting in place thereof the following section:-

Section 19. Cities, towns and districts shall not issue any notes payable on demand, and they shall provide for the payment of all debts, except temporary loans incurred under sections 4, 6, 6A, 8C, and 17, or under section 3 of chapter 74 of the acts of 1945, by annual payments that will extinguish the same at maturity, and so that the first of these annual payments on account of any serial loan shall be made not later than the end of the next complete fiscal year commencing after the date of the bonds or notes issued for the serial loan, and shall be arranged so that for each issue the amounts payable in the several years for principal and interest combined shall be as nearly equal as practicable in the opinion of the officers authorized to issue the bonds or notes, or in the alternative, in accordance with a schedule providing a more rapid amortization of principal; and these annual amounts, together with the interest on all debts, shall, without further vote, be assessed until the debt is extinguished.

SECTION 8. Section 21A of said chapter 44, as so appearing, is hereby amended by inserting after the word "law", in line 10, the following words: - , and provided further that no order or vote authorizing the issuance of refunding bonds or notes shall be subject to any referendum provisions contained in any general or special law, any city or town charter, any city ordinance or town by-law, or other provision.

SECTION 9. Section 22 of said chapter 44, as so appearing, is hereby amended by adding the following sentence: - Notwithstanding the above, the selectmen may delegate to the town treasurer the approval of the rate or rates of interest with any limitations that the selectmen determine to be in the best interests of the town.

SECTION 10. Section 22A of said chapter 44, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: - Bonds or notes issued by a city may be secured in whole or in part by insurance or by letters or lines of credit or other credit facilities, provided that the city treasurer and mayor or city manager, as applicable, determine that issuing bonds or notes on this basis is in the best interests of the city.

SECTION 11. Section 22B of said chapter 44 is hereby repealed.

AMENDMENT NO. 55 **CONSOLIDATED**

Representative Walz of Boston moves to amend H. 4618 by inserting after section 12 the following section:

SECTION XX. Chapter 40 of the General Laws is hereby amended by inserting after section 4E the following section:-

Section 4E1/2.(a) Notwithstanding any general or special law to the contrary, for the benefit of their school programs, education collaboratives, as defined in section 4E, may make purchases from a vendor's contract that has been competitively procured by another state or political subdivision or public entity thereof for the item or items being purchased.

(b) These education collaboratives shall not be subject to subsection (c) of section 1 of chapter 30B or sections 22A and 22B of chapter 7 insofar as those laws preclude out-of-state collective purchases by education collaboratives.

(c) The inspector general shall review the process by which education collaboratives are making out-of-state collective purchases. Education collaboratives participating in out-of-state collective purchasing

must submit biannually the following summary information to the office of the inspector general: (1) the entity from which the purchase was made and, if the purchase was from a state, political subdivision or a public entity of another state, what information informed them that the out-of-state entity was a political subdivision or a public entity, (2) a full and complete description of the items purchased, and (3) documentation of savings obtained, with relevant Massachusetts cost comparisons.

AMENDMENT NO. 56 **CONSOLIDATED**
Representative Walz of Boston moves to amend H. 4618 by inserting after section 12 the following section:

SECTION XX. The Department Elementary and Secondary Education is directed to review and revise reporting requirements imposed on school districts by state laws and regulations and by department of elementary and secondary education policies. The Department shall consolidate or eliminate said reporting requirements where appropriate. The Department shall file a report not more than six months after the passage of this act to the Clerks of the House and Senate and the Joint Committee on Education detailing the reporting requirements that were eliminated or consolidated, as well as the reasons why reporting requirements were not consolidated or eliminated.

AMENDMENT NO. 57 **CONSOLIDATED**
Representative Hill of Ipswich moves to amend H4618 by inserting, after section #12 (as printed), the following section:
"SECTION XX. Chapter 90 of the General Laws is hereby amended by inserting after section 3 the following section:-
Section 3A. All school departments are hereby authorized to install and operate live digital video school bus violation detection monitoring systems. Such systems shall, at a minimum, be systems that monitor and detect school bus traffic violations. For purposes of this section, a live digital video school bus violation detection monitoring system means a system with 1 or more camera sensors and computers that produce live digital and recorded video of motor vehicles being operated in violation of school bus traffic laws. All systems installed for used under this section must, at a minimum, produce a live visual image viewable remotely, a recorded image of the license, plate, and be able to record the time, date and location of the vehicle, and a signed affidavit by a person who witnessed the violation via live video.

The school departments may enter into an agreement with a private corporation or other entity to provide live digital video school bus violation detection monitoring systems and to maintain and operate such systems. Compensation to the private corporation or other entity to provide live digital video school bus violation detection monitoring systems and to maintain and operate such systems. Compensation to the private entity that provides such a system and related support service shall not be based on the revenue generated by the system. Compensation to the vendor of the system shall be based on the expense of the services and the equipment provided by the vendor of the system. The school department may enter into an agreement for purposes of reimbursement of expenses to the vendor for the installation, operation and maintenance of the live digital video school bus detection and monitoring systems within its municipality. Notwithstanding the terms and conditions contained in any such agreement, reimbursement shall be made from ticket revenue proceeds from paid violations, as allocated. All vehicles installed with a live digital video school bus violation detection monitoring system shall post a warning sign indicating the use of such system. Warning signage shall remain on each vehicle as long as a live digital video school bus violation detection monitoring system is in operation.

Except, as expressly provided, all prosecutions based on evidence produced by a live digital video school bus violation detection monitoring system shall follow the procedures of this section.

Citations may be issued by an officer solely based on evidence obtained by use of a live digital video school bus violation detection monitoring system. All citations issued based on evidence obtained from a live digital video school bus violation detection monitoring system shall be issued within 7 days of the violation. It shall be sufficient to commence a prosecution based on evidence obtained from a live

digital video school bus violation detection monitoring system a copy of the citation and supporting documentation shall be mailed to the address of the registered owner kept on file by the registry of motor vehicle for the purposes of this section, the date of issuance shall be the date of mailing.

The officer issuing the citation shall certify under penalties of perjury that the evidence obtained from the live digital video school bus violation detection monitoring system was sufficient to demonstrate a violation of the motor vehicle code. Such certification shall be sufficient in all prosecutions pursuant to this chapter to justify the entry of a default judgment upon sufficient proof of actual notice in all cases where the citation is not answered with the time period permitted.

The following information shall be attached to the citation as evidence: (i) copies of 2 or more photographs, or microphotographs, videos, or other recorded images taken as proof of the violation; (ii) a signed statement by a trained law enforcement officer that, based on inspection of recorded images and video, the motor vehicle was being operated in violation of this chapter; (iii) a statement that recorded images are evidence of a violation of this chapter; (iv) a statement that the person who receives a summons under this chapter may either pay the civil penalty in accordance with this chapter, or elect to stand trial for the alleged violation; and (v) a signed affidavit by a person who witnessed live the motor vehicle being operated in violation of this chapter.

Evidence from a live digital video school bus violation detection monitoring system shall be considered substantive evidence in the prosecution of all civil traffic violations. Evidence from a live digital video school bus violation detection monitoring system approved by the school department shall be admitted without further authentication and such evidence may be deemed sufficient to sustain a civil traffic violation. In addition to any other defenses as set forth herein, any and all defenses cognizable at law shall be available to the individual who receives the citation commencing a prosecution under this chapter.

The registered owner of the motor vehicle shall be primarily responsible in all prosecutions brought pursuant to the provisions of this chapter except as otherwise provided in this section. In all prosecutions of civil traffic violations based on evidence obtained from a live digital video school bus violation detection of a civil traffic violation, may be liable for such violation. The registered owner of the vehicle may assume liability for the violation by paying the fine; or by defending the violation pursuant to the procedures in this chapter."

AMENDMENT NO. 58 **CONSOLIDATED**

Mr. McCarthy of East Bridgewater moves to amend the bill (House, No. 4618) by adding the following section:-

"SECTION . Section 56 of chapter 40 of the General Laws is hereby amended by adding the following paragraph:-

Notwithstanding the first paragraph or any other general or special law, the commissioner may, from time to time, issue a revised schedule for the year in which he shall certify whether the board of assessors is assessing property at full and fair cash valuation. After the schedule is issued, a city or town may classify in the manner set forth in this section for any year before the next year of certification established in the schedule for the city or town. In arranging the schedule the commissioner shall, so far as practicable and appropriate, consider but not be limited to the following goals: balancing the number of certification reviews conducted in each year of the triennial period, facilitating and implementing joint or cooperative assessing agreements or districts, assisting boards of assessors to comply with any minimum standards of assessment performance established under section 1 of chapter 58 and producing uniformity in the valuation, classification and assessment of property within each city or town and throughout the commonwealth.

AMENDMENT NO. 59 **CONSOLIDATED**

Mr. McCarthy of East Bridgewater moves to amend the bill (House, No. 4618) by striking out sections 7, 8, 9, and 12.

AMENDMENT NO. 60 **ADOPTED**

Representatives Sullivan of Fall River, and Richardson of Framingham move to amend the bill (House 4618), after Section 12, by inserting the following;-

Sound Business Practices in Bidding and Procurement

SECTION 13. Subsection (b) of section 1 of chapter 30B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 6 the word "section" and inserting in place thereof the following: sections 11C or

SECTION 14. Said subsection (b) of said section 1 of said chapter 30B, as so appearing, is hereby amended in subdivision (4) by inserting after the word "commonwealth" the following: except as pertains to section 16(i);

SECTION 15. Said section 1 of said chapter 30B, as so appearing, is hereby amended by inserting at the end thereof the following subsection:

(f) This chapter shall be deemed to have been complied with on all purchases made from a vendor pursuant to a General Services Administration Federal supply schedule that is available for use by governmental bodies.

SECTION 16. Section 2 of Chapter 30B of the General Laws, as so appearing, is hereby amended by inserting the following:-

"Electronic bidding", the electronic solicitation and receipt of offers to contract for supplies and services. Offers may be accepted and contracts may be entered by use of electronic bidding.

"Reverse auction," An internet based process used to buy supplies and services whereby sellers of the supply or service being auctioned anonymously bid against each other until time expires and until the governmental body determines from which sellers it will buy based on the pricing obtained as a result of the reverse auction."

"Sound business practices", ensuring the receipt of favorable prices by periodically soliciting price lists or quotes.

"Cooperative purchasing" means procurement conducted by, or on behalf of, more than one public procurement unit, or by a public procurement unit with an external procurement activity.

"External procurement activity" means: (a) any public agency not located in this State which would qualify as a public procurement unit; (b) buying by the United States government.

"Local public procurement unit" means any political subdivision or unit thereof which expends public funds for the procurement of supplies.

"Public procurement unit" means either a local public procurement unit or a state public procurement unit.

"State public procurement unit" means the offices of the chief procurement officers and any other

purchasing agency of this or any other State.

SECTION 17. Subsection (d) of section 4 of said chapter 30B, as so appearing, is hereby amended, by striking out the words "generally accepted", in line 24, and inserting in place thereof the following: sound

SECTION 18. Chapter 30B of the General Laws, as so appearing, is hereby amended by adding after Section 6 the following new section:-

6A. (a) A chief procurement officer may enter into procurement contracts in the amount of $25,000 or more utilizing reverse auctions for the acquisition of supplies and services. The reverse auction process shall include a specification of an opening date and time when real-time electronic bids may be accepted, and provide that the procedure shall remain open until the designated closing date and time.

(b) All bids on reverse auctions shall be posted electronically on the Internet, updated on a real-time basis, and shall allow registered bidders to lower the price of their bid below the lowest bid on the Internet.

(c) The chief procurement officer shall require vendors to register before the reverse auction opening date and time, and as part of the registration, agree to any terms and conditions and other requirements of the solicitation. (d) Any mechanism, including but not limited to software, developed by the Operational Services Division for the purpose of conducting reverse auctions by the Commonwealth, shall provide for the utilization of such mechanism by municipalities.

(e) The Operational Services Division may assess any municipality utilizing such reverse auction mechanism a reasonable fee, calculated to compensate for any increased cost attributable to such utilization, which shall be credited to the general fund.

(f) Reverse auctions shall not be subject to subsections (b) (1) or (d) of section 5 but shall be subject to all other provisions of that section.

SECTION 19. Section 20 of Chapter 30B of the General Laws is hereby amended by inserting at the end thereof the following -

"Any public procurement unit may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of any supplies with one or more public procurement units or external procurement activities in accordance with an agreement entered into between the participants. The public procurement unit conducting the procurement of any supplies shall do so in a manner that constitutes a full and open competition. "

AMENDMENT NO. 61 **CONSOLIDATED**

Mr. Peterson of Grafton and Mr. deMacedo of Plymouth move to amend House Bill 4618 by adding, at the end thereof, the following three new sections:

SECTION XX: Section 7 of chapter 44 of the General Laws is hereby amended by inserting after clause 17 the following new clause: -

(17A) For dredging of tidal and non-tidal rivers and streams, harbors, channels and tide waters, ten years.

SECTION XX. Section 7 of chapter of the General Laws is hereby amended by adding at the end thereof the following new clause: -

(32) For the cost of cleaning up or preventing pollution caused by existing or closed municipal facilities

not defined in clause 21 of section 8 of chapter 44 including clean up or prevention activities taken pursuant to chapter 21E or chapter 21H, twenty years; provided, however, that no indebtedness shall be incurred until plans relating to the project shall have been submitted to the department of environmental protection and the approval of said department has been granted therefore, ten years.

SECTION XX. Sections XX and XX shall take effect upon their passage.

AMENDMENT NO. 62 **CONSOLIDATED**
Mr. McMurtry of Dedham moves that the bill be amended by adding the following section:

"SECTION XX. Section 34B of chapter 164 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following sentence: A city or town may enforce this section by enactment of a local ordinance or bylaw prohibiting double poles beyond the ninety days quthorized by this section, violation of which shall be punishable by a fine not to exceed a maximum of $100 per occurrence per day"

AMENDMENT NO. 63 **CONSOLIDATED**
Mr. Conroy of Wayland moves to amend the bill by adding the following section:

SECTION . The definition of " Real estate tax payment" in paragraph (1) of subsection (k) of section 6 of chapter 62 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following sentence: - Notwithstanding the foregoing, any person who has deferred all or part of his property taxes by signing a tax deferral and recovery agreement, pursuant to clause Forty-first A of section 5 of chapter 59, shall be considered to have paid the amount deferred on the date of signing such deferral and recovery agreement during the taxable year for the purpose of qualifying for any exemption hereunder.

AMENDMENT NO. 64 **CONSOLIDATED**
Mr. Conroy of Wayland and Mr. Hecht of Watertown move to amend the bill by inserting after section 12 the following section:
SECTION 13. Section 24 of Chapter 32A is hereby amended by amending subsection (d) as follows, renumbering subsection (e) as subsection (g) and inserting the following new subsections (e) and (f):
(d) Upon authorization by the board, any retirement system of the commonwealth, with the exception of any district or regional system and any county, city or town contributory retirement system, may participate in the fund using the same procedures required for participation in the PRIT Fund pursuant to section 22 of Chapter 32.
(e) Municipalities and other governmental units that establish trusts pursuant to Chapter 479 of the Acts of 2008 or any other legislation for the purpose of funding their liabilities for retired employees' health care and other non-pension benefits shall transfer ownership and control of all the assets of the trust, as well as any subsequent appropriations or contributions made thereto, to the State Retiree Benefits Trust. The board shall hold such assets in trust for the participating municipalities and other governmental units. The board shall credit assets and earnings on such assets to the individual municipalities and other governmental units. The board shall transfer monies to the various trusts of the participating municipalities and other governmental units to allow them to meet their obligations to fund retired employees' health care and other non-pension benefits. The chief executive officer or chief administrator of each participating municipality or other governmental unit shall notify the board of the amounts needed to meet such obligations for the next fiscal year no later than ninety days before the start of said fiscal year. The board shall develop a schedule of transfers to be made during said fiscal year and notify the participating municipalities and other governmental units of that schedule no later than thirty days prior to the start of said fiscal year. The board shall transfer such amounts in accordance with said schedule during the course of said fiscal year.

(f) No city, town, district, county or municipal lighting plant may transfer ownership or control of any assets dedicated toward funding their future liabilities for retired employees' health care and other non-pension benefits to any entity other than the State Retiree Benefits Trust, with the exception of those funds that are to be used within 60 days to pay for retired employees' health care or other non-pension benefits.

AMENDMENT NO. 65 **ADOPTED, AS AMENDED**

Mr. Conroy of Wayland, Mr. Brownsberger of Belmont, and Mr. Sannicandro of Ashland move to amend the bill by adding the following sections:

"SECTION 13. Section 7 of chapter 44 of the General Laws, as so appearing, is hereby amended by inserting after the word "specified", in line 3, the following words: - or, except with respect to clauses (11), (16), (18), (21) and (22), within such longer period not to exceed 30 years based upon the maximum useful life of the public work, improvement or asset being financed, as determined in accordance with guidelines established by the division of local services of the department of revenue.

SECTION 14. Said section 7 of said chapter 44, as so appearing, is hereby further amended by striking out in lines 50 to 53 the words "or for such maximum term, not exceeding 15 years, based upon the maximum useful life of the equipment as determined by the board of selectmen or the mayor or city manager of the city or town".

SECTION 15. Said section 7 of said chapter 44, as so appearing, is hereby further amended by inserting after clause (31) the following clause:-

(32) For any other public work, improvement or asset not specified in any of the above clauses, with a maximum useful life of at least 5 years, determined as provided in the first sentence of this section, 5 years.

SECTION 16. Section 8 of said chapter 44, as so appearing, is hereby amended by inserting after the word "specified", in line 3, the following words: - or except with respect to clauses (1), (2), (3A), (5), (6), (7), (9) and (19), within such longer period not to exceed 30 years based upon the maximum useful life of the public work, improvement or asset being financed as determined in accordance with guidelines established by the division of local services of the department of revenue.

SECTION 17. Said section 8 of said chapter 44, as so appearing, is hereby further amended by striking out, in lines 77 and 78, the words "a board composed of the attorney general, the state treasurer and the director" and inserting in place thereof the following words: - the municipal finance oversight board.

SECTION 18. Said section 8 of said chapter 44, as so appearing, is hereby further amended by inserting after the word "vote", in line 190, the following words: - , provided, however, that debt under clause (9) of this section may be authorized by the treasurer of a city, with the approval of the official whose approval is required by the city charter in the borrowing of money, the treasurer of a town with a town council form of government, with the approval of the official whose approval is required by the town charter in the borrowing of money, the treasurer of a town without a town council form of government, with the approval of the board of selectmen, and the treasurer of a district, with the approval of the prudential committee, if any, otherwise of the commissioners.

SECTION 19. Said chapter 44 is hereby further amended by striking out section 19, as so appearing, and inserting in place thereof the following section:-

Section 19. Cities, towns and districts shall not issue any notes payable on demand, and they shall provide for the payment of all debts, except temporary loans incurred under sections 4, 6, 6A, 8C, and 17,

or under section 3 of chapter 74 of the acts of 1945, by annual payments that will extinguish the same at maturity, and so that the first of these annual payments on account of any serial loan shall be made not later than the end of the next complete fiscal year commencing after the date of the bonds or notes issued for the serial loan, and shall be arranged so that for each issue the amounts payable in the several years for principal and interest combined shall be as nearly equal as practicable in the opinion of the officers authorized to issue the bonds or notes, or in the alternative, in accordance with a schedule providing a more rapid amortization of principal; and these annual amounts, together with the interest on all debts, shall, without further vote, be assessed until the debt is extinguished.

SECTION 20. Section 21A of said chapter 44, as so appearing, is hereby amended by inserting after the word "law", in line 10, the following words: - , and provided further that no order or vote authorizing the issuance of refunding bonds or notes shall be subject to any referendum provisions contained in any general or special law, any city or town charter, any city ordinance or town by-law, or other provision.

SECTION 21. Section 22 of said chapter 44, as so appearing, is hereby amended by adding the following sentence: - Notwithstanding the above, the selectmen may delegate to the town treasurer the approval of the rate or rates of interest with any limitations that the selectmen determine to be in the best interests of the town.

SECTION 22. Section 22A of said chapter 44, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: - Bonds or notes issued by a city may be secured in whole or in part by insurance or by letters or lines of credit or other credit facilities, provided that the city treasurer and mayor or city manager, as applicable, determine that issuing bonds or notes on this basis is in the best interests of the city.

SECTION 23. Section 22B of said chapter 44 is hereby repealed.

SECTION 24. Section 16 of chapter 71 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph of clause (d) and inserting in place thereof the following paragraph: -

(d) To incur debt for the purpose of acquiring land and constructing, reconstructing, adding to, and equipping a school building or buildings or for the purpose of remodeling and making extraordinary repairs to a school building or buildings and for the construction of sewerage systems and sewerage treatment and disposal facilities, or for the purchase or use of such systems with municipalities, and for the purpose of purchasing department equipment; or for the purpose of constructing, reconstructing or making improvements to outdoor playground, athletic or recreational facilities; or for the purpose of constructing, reconstructing or resurfacing roadways and parking lots; or for the purpose of any other public work or improvement of a permanent nature required by the district; or for the purpose of any planning, architectural or engineering costs relating to any of the above purposes; provided, however that written notice of the amount of the debt and of the general purposes for which it was authorized shall be given to the board of selectmen in each of the towns comprising the district not later than 7 days after the date on which the debt was authorized by the district committee; and no debt may be incurred until the expiration of 60 days after the date on which the debt was authorized; and before the expiration of this period any member town of the regional school district may hold a town meeting for the purpose of expressing disapproval of the amount of debt authorized by the district committee, and if at that meeting a majority of the voters present and voting express disapproval of the amount authorized by the district committee, the debt shall not be incurred and the district school committee shall prepare another proposal which may be the same as any prior proposal and an authorization to incur debt therefore. Debt incurred under this section shall be payable within 30 years, but no such debt shall be issued for a period longer than the maximum useful life of the project being financed as determined in accordance with guidelines established by the division of local services of the department of revenue.

"SECTION 25. Section6(d) of chapter 70B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the words "25 years" in line 65 and inserting in place thereof, the following words: "30 years".

AMENDMENT NO. 66 **CONSOLIDATED**
Ms. Peisch of Wellesley moves to amend House Bill No. 4618 by adding the following section:-

SECTION XX. Chapter 32B of the general laws is hereby amended by adding the following new section:

Section 20. Effective July 1, 2010, a governmental unit is authorized to include, as part of the health plans (HMOs, PPOs, indemnity plans) that it offers to its employees and retirees, co-payments, deductibles and tiered provider network co-payments (or other plan design features) that are no greater in dollar amount than the highest co-payments, deductibles and tiered provider network co-payments (or other plan design features) provided in any of the same class (HMOs, PPOs, indemnity plans) of health plans offered by the Group Insurance Commission pursuant to G.L. c. 32A. For purposes of this section, a "Point of Service" plan offered by a governmental unit shall be considered to fall within the PPO class.

The above authorized dollar amounts for co-payments, deductibles and tiered provider network co-payments (or other plan design features) shall be increased whenever the Group Insurance Commission increases the dollar amount of co-payments and/or deductibles and/or tiered provider network co-payments (or other plan design features) on the health plans that it offers.

A governmental unit may include in its health plans co-payments, deductibles and tiered provider network co-payments (or other plan design features) up to the above-referenced amounts without bargaining pursuant to either Chapter 150E or Section 19 of Chapter 32B concerning the decision to do so or the impact of the decision.

Nothing herein shall prohibit a governmental unit from including in its health plans higher co-payments, deductibles or tiered provider network co-payments (or other plan design features) than those authorized by the preceding paragraphs of this section; but such higher co-payments, deductibles or tiered provider network co-payments (or other plan design features) may be included only after the governmental unit has satisfied any bargaining obligations pursuant to either Chapter 150E or Section 19 of Chapter 32B.

Municipalities shall be permitted to offer employees the opportunity to participate in a heath savings account and may, at the discretion of the municipality, contribute to such savings accounts from savings attributable to changes in the health insurance deductibles and co-pays.

AMENDMENT NO. 67 **CONSOLIDATED**
Ms. Peisch of Wellesley moves to amend House Bill No. 4618 by adding the following section:-

SECTION XX. Chapter 67 of the Acts of 2007 is hereby amended by inserting at the end thereof:-

Section 7. Municipalities that have opted into the Group Insurance Commission shall be allowed to reimburse employees and retirees for increases in deductibles and co-pays from premium savings realized by the municipalities that are attributable to plan changes effective February 1, 2010. Such reimbursement shall be limited to the actual additional costs. The decision to reimburse, the administration of such reimbursements, and the total amount of such reimbursements shall be left to the discretion of the Board of Selectmen in towns and the Mayor in cities of the participating municipalities.

AMENDMENT NO. 68 **CONSOLIDATED**

Ms. Peisch of Wellesley moves to amend House Bill No. 4618 by adding the following section:-

SECTION XX. Chapter 67 of the Acts of 2007 is hereby amended by inserting at the end thereof:-

Section 7. Municipalities that have opted into the Group Insurance Commission shall be allowed to reimburse employees and retirees for increases in deductibles and co-pays from premium savings realized by the municipalities that are attributable to participating in the Group Insurance Commission. Such reimbursement shall be limited to the actual additional costs. The decision to reimburse, the administration of such reimbursements, and the total amount of such reimbursements shall be left to the discretion of the Board of Selectmen in towns and the Mayor in cities of the participating municipalities.

AMENDMENT NO. 69 **CONSOLIDATED**

Mr. Moran of Boston moves to amend House Bill 4618 by inserting after Section 12 the following sections:

SECTION xx. Section 10 of chapter 39 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following paragraph: After written application by the board of selectmen, the state secretary may validate or ratify a town meeting, town election and actions taken pursuant to the town meeting or town election, if the secretary determines that inadvertent failure to comply with the procedural requirements of this chapter or of a town by-law or charter did not contradict the fundamental purposes of those procedural requirements and was unlikely to affect the outcome of the town election or town meeting. The state secretary may adopt regulations to carry out this paragraph.

SECTION xx. Section 11 of Chapter 54 of the General Laws is hereby amended by striking the words "one warden, one deputy warden, one clerk, one deputy clerk, four inspectors and four deputy inspectors" and replacing it with "one warden, one clerk, at least two inspectors and a ballot box inspector."

SECTION xx. Section 12 of Chapter 54 of the General Laws is hereby amended by striking the words "one warden, one deputy warden, one clerk, one deputy clerk, two inspectors and two deputy inspectors" and replacing it with "one warden, one clerk, at least two inspectors and a ballot box inspector"

AMENDMENT NO. 70 **CONSOLIDATED**

Representatives Kaufman of Lexington, Dinatale of Fitchburg, Kozcera of New Bedford, Wolf of Cambridge, Provost of Somerville, D'Amico of Seekonk, Scibak of South Hadley, Patrick of Falmouth, Peake of Provincetown, Benson of Lunenberg, and Turner of Dennis, move to amend the bill by adding the following sections:-

SECTION xx: Section 43 of chapter 164 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking said section in its entirety and inserting in place thereof the following section:—

Section 43. (a) If a municipality which votes to establish a municipal lighting plant fails, within one hundred and fifty days from the passage of the final vote required by section thirty-five or thirty-six, to agree, as to price or as to the property to be included in the purchase, with the distribution company, as defined in section one of chapter one hundred sixty-four of the General Laws, currently serving such municipality, such municipality may apply to the department for review of the feasibility of the municipality's acquisition of such property. The municipality's filing shall include an outline of the property the municipality wishes to acquire, a projection of purchase price of such property, a projection of other costs of establishing the municipal lighting plant, an outline of a financing plan to cover the purchase price, including a description of municipality's bonding ability, pro forma income statement and balance sheet for the municipal lighting plant, the options for governance of the municipal lighting plant

approved or anticipated by the municipality, and a projection of electric rates to be charged by the municipal lighting plant.

(b) The department may request comments on the filing, hold hearings or technical conferences, and request data and supporting materials from the municipality and the distribution company. The department shall issue a report regarding the feasibility of the municipality's filing within one hundred and eighty days of the filing, provided however that the department is not required to issue more than three such reports in any contiguous twelve-month period. Any reports that are not issued within one hundred and eighty days of the filing shall be issued in the order of the filings. If multiple municipalities file with the stated intent of establishing a joint or cooperative system of municipal lighting plants, the department shall process such filing simultaneously, to the extent possible. The department shall transmit copies of the aforementioned report to the municipal clerk, the Division of Energy Resources and the Joint Committee on Government Regulations.

(c) Upon the issuance of the department's report, or the expiration of the previously-described time period for such report, the municipality may seek determination as to what property ought in the public interest to be included in the purchase and what price should be paid, which shall be equal to the original cost of the property less accumulated depreciation plus any other components required to provide reasonable compensation to the distribution company. Such value shall be estimated without enhancement on account of future earning capacity, lost sales, good will, physical reconfiguration of the distribution company's utility plant and system or of exclusive privileges derived from rights in the public ways. The department, after notice to the parties, shall give a hearing thereon and make the determination aforesaid within one hundred and eighty days of the request for determination. Such property shall include such portion of the property within the limits of such municipality as is suitable for, and used in connection with, the distribution of electricity within such limits, including, at the election of the municipality, the entirety of equipment jointly owned with other entities, in which case said entities shall be directly compensated for, in a manner similar to the distribution company's compensation for its own interest in the jointly-owned equipment.

(d) The department shall also include a plan for severance of property allowing both the distribution company and the municipal lighting plant to serve their customers at the lowest identifiable and achievable total cost, through any combination of joint facility ownership, additional metering, contractual arrangements for delivery of power, and new construction. If the distribution company and the municipality agree on a plan for severance of property, the department shall approve such plan within ninety days, upon a finding that it is in the public interest. If the distribution company and the municipality do not agree on such a plan, the department shall approve within one hundred and eighty days of a petition for adjudication, the severance plan that results in the lowest identifiable and achievable total cost to Massachusetts energy consumers. The department shall also set terms and conditions for the transfer of property from the distribution company to the municipal lighting plant. If any such property is subject to any mortgages, liens or other encumbrances, the department in making its determination shall provide for the deduction or withholding from the purchase price, pending discharge, of such sum or sums as it deems proper.

(e) Within thirty days after such determination shall have been made by the department, the distribution company shall tender to the municipality's city or town clerk a good and sufficient deed of conveyance for the property required by the department to be purchased, and shall then place said deed in escrow. The municipality shall have one hundred and eighty days in which to accept or reject said tender, or to appeal to the department any aspect of the proposed deed of conveyance. If the municipality accepts, it shall have a further period of one hundred and eighty days in which to pay to the distribution company the price determined as hereinbefore provided. Such acceptance or rejection in case of a city shall be by vote of its city council, or its commissioners if its government consists of a commission, and in case of a town shall be by vote at a town meeting, or by such town officer or body to which town meeting shall delegate such authority. In the event that the distribution company fails to comply with the preceding

requirements, the price to be paid by the municipality will immediately be reduced by one percent of the price determined by the department. For every thirty additional days that pass prior to the distribution company's compliance with the preceding requirements, the price will be reduced by an additional one percent. Provided, however, that the department may waive such reduction if it finds that the delay in compliance was beyond the control of the distribution company.

(f) In connection with the exercise by a municipality of the option to purchase utility plant pursuant to this section, the municipality may elect to assume responsibilities for maintenance, placement and removal of jointly-owned poles or other facilities shared with other public utilities, or to purchase such facilities at the original cost of the property less accumulated depreciation. Except where the municipality makes such election, the municipality shall assume the rights and obligations of the previous owner with respect to any person other than the distribution company controlling or using the poles, conduit or other jointly-owned or joint-use facilities, property and rights; provided, that in the assumption of the rights and obligations of the previous owner by such a municipality, such municipality shall in no way or form restrict, impede, or prohibit access that other parties would enjoy under the previous ownership.

(g) Any municipal lighting plant established pursuant to these provisions shall collect the energy conservation and renewables charges as established by the department under section nineteen and section twenty of chapter twenty-five of the General Laws, and may use the resulting revenues for cost-effective demand-side management programs and to support the development and promotion of renewable energy projects in accordance with the provisions of section four E of chapter forty J, and may elect to contribute to, and benefit from, programs operated by one or more distribution companies or the Massachusetts Renewable Energy Trust Fund, on the same basis as the distribution companies.

(h) Any municipal lighting plant established pursuant to these provisions shall allow customers to be served by competitive electricity suppliers, and shall establish rules to allow competitive supply while protecting the financial stability of the municipal lighting plant.

(i) The department shall not allow as a cost of service any costs of the incumbent distribution company in connection with such proceedings, in excess of the costs reasonably necessary to provide information, negotiate necessary contractual arrangements, and represent the interests of the remaining ratepayers in designing the severance plan as described in paragraph (d) of this Section.

(j) The department shall report to the Joint Committee on Government Regulations annually on the operation of this revised section, including a summary of activity under this section and any recommendations for amending the section.

SECTION xx: Section 1B of chapter 164 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding to the end of paragraph (a) the following:—

except that the purchase by a municipality of plant from a distribution company shall transfer all rights and obligations established in this section to the municipal lighting plant of the purchasing municipality.

SECTION xx: Chapter 164 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after section 34B the following new section:—

Section 34C: Each electric distribution company shall maintain accounts of plant in service in each municipality in its service territory, including the original cost of plant, accumulated depreciation, and any other measures of the value of plant that the department may order used for determination of sale prices under section forty-three of this chapter. The distribution company shall maintain such accounts by

the system of accounts approved by the department. Upon the request of any clerk of any municipality in its service territory, the distribution company shall provide such accounts for that municipality within thirty days. In the event that the distribution company fails to comply with this provision, it shall be liable to the municipality for one thousand dollars for every day of noncompliance.

AMENDMENT NO. 71 **ADOPTED**

Representatives Kaufman of Lexington, McCarthy of East Bridgewater, Dwyer of Woburn, D'Amico of Seekonk, Fallon of Malden, Allen of Boston, and Speliotis of Danvers, move that the bill be amended after section 11 by inserting the following section:-

SECTION XX. (A) Subsection twenty-second E of section 5 of chapter 59 of the General Laws, is hereby amended by striking out the words "and are incapable of working" in the first paragraph.

(B) Subsection forty-first c ½ of said section of said chapter, is hereby amended by adding to the end of the second paragraph, the following sentence:

(4) utilizing income limits on a household basis rather than a single applicant basis for real estate tax exemptions.

(C) Said section of said chapter is hereby further amended by adding the following subsection:

Fifty-sixth. Upon the acceptance of this section by a city or town, the board of assessors may grant, real and personal property tax abatement up to 100% of the total tax assessed to members of the Massachusetts National Guard and to reservists on active duty in foreign countries for the fiscal year they performed such service subject to eligibility criteria to be established by the board of assessors.

The authority to grant abatements under this act shall expire after 2 years of adoption unless extended by a vote of the city or town.

(D) Said section of said chapter is hereby further amended by adding the following subsection:

Fifty-seventh. Upon the acceptance of this section by a city or town, the board of assessors may appropriate monies for and grant property tax rebates in an amount not to exceed annually the amount of the income tax credit set forth under the provisions of subsection (k) of section 6 of chapter 62.

(E) Section 5K of Chapter 59 of the General Laws, is hereby amended by adding the following paragraph:

A city or town, by vote of its legislative body, subject to its charter, may adjust the exemption contained in this clause by: (1) allowing an approved representative, for persons physically unable, to provide such services to the city or town; (2) allowing the maximum reduction of the real property tax bill to be based on one hundred and twenty-five volunteer service hours in a given tax year, rather than $1,000.

AMENDMENT NO. 72 **CONSOLIDATED**

Representatives Kaufman of Lexington, McCarthy of East Bridgewater, D'Amico of Seekonk, and Puppolo of Springfield move that the bill be amended in section 11 by inserting at the end of a subsection (a) thereof the following new sentence:-

For purposes of this section, a regional school district shall be considered a municipality.

AMENDMENT NO. 73 **CONSOLIDATED**

Representatives Kaufman of Lexington and D'Amico of Seekonk move to amend the bill by adding the following sections:-

SECTION xx. The purpose of this Act is to benefit municipalities by providing streamlined opportunities for intermunicipal collaboration and service delivery, broadening the ability of Regional Planning Agencies to partner with state government and member municipalities to develop regional and intermunicipal initiatives, and making it possible for municipalities to deliver public services more economically and effectively.

SECTION xx. The following terms shall have the following meanings:

"Regional Planning Agencies", all planning commissions in the commonwealth, specifically: "Berkshire

Regional Planning Commission", established under Section 3 of chapter 40B of the General Laws; "Cape Cod Commission", established under chapter 716 of the Acts of 1989; "Central Massachusetts Regional Planning Commission", established under Section 3 of said chapter 40B; "Franklin Regional Council of Governments", established under Section 567 of chapter 151 of the Acts of 1996, and as amended by chapter 344 of the Acts of 1998; "Martha's Vineyard Commission", established under chapter 831 of the Acts of 1977, and as amended by chapter 317 of the Acts of 1979; "Merrimack Valley Planning Commission", established under Section 3 of said chapter 40B; "Metropolitan Area Planning Council", established under Section 26 of said chapter 40B; "Montachusett Regional Planning Commission", established under Section 3 of said chapter 40B; "Nantucket Planning and Economic Development Commission", established under chapter 561 of the Acts of 1973, and as amended by chapter 98 of the Acts of 1981 and chapter 458 of the Acts of 1991; "Northern Middlesex Council of Governments", established under Section 3 of said chapter 40B, and as amended by chapter 357 of the Acts of 1972, chapter 14 of the Acts of 1974 and chapter 420 of the Acts of 1989; "Old Colony Planning Council", established under chapter 332 of the Acts of 1967, and as amended by chapter 663 of the Acts of 1973; "Pioneer Valley Planning Commission", established under Section 3 of said chapter 40B, and "Southeastern Regional Planning and Economic Development District", established under Section 9 of said chapter 40B.

SECTION xx. The Governor shall direct all executive branch agencies, commissions and departments to evaluate all grant, loan, and technical assistance programs administered by such for opportunities to promote, facilitate and implement inter-municipal cooperation, collaboration, and regional service delivery at the local level.

Each department, agency, and commission within the executive branch shall provide evaluation results to the Governor within ninety (90) days, with the goal to identify opportunities to leverage state resources to promote regional, efficient solutions to common problems. Independent agencies and commissions are also urged to undertake similar evaluations of any grant, loan, or technical assistance program administered by them.

SECTION xx. The Governor shall direct the chairman of the Municipal Affairs Coordinating Committee to evaluate departmental programs for opportunities to increase collaboration between communities, and make recommendations to the Governor on the most promising opportunities that would achieve the aforementioned aims of efficient and enhanced local government service delivery.

SECTION xx. The Governor shall direct the Executive Office of Transportation and Public Works; Department of Housing and Community Development; Executive Office of Housing and Economic Development; Executive Office of Energy and Environmental Affairs, and Executive Office of Administration and Finance to encourage municipalities to submit joint applications for the following state spending programs: Public Works Economic Development Program; Transit Oriented Development Bond Program; Water Transportation Capital Funding Program; Small Town Road Assistance Program; Community Development Action Grant Program; Massachusetts Opportunity Relocation and Expansion Jobs Capital Program; State Revolving Fund; LAND Program; PARC; Drinking Water Supply Protection Grant Program; Coastal Pollutant Remediation Grant Program; Municipal sustainability Grant Program, and the Off-Street Parking Program.. Joint applications should receive higher scores than currently applied to joint applications to further reward and encourage such collaborations.

SECTION xx. Section 22A of chapter 7 of the General Laws is hereby amended by inserting after the words "state purchasing agent", in the first sentence, the following words:

or a regional planning agency established pursuant to chapter 40B of the General Laws or special act, subject to such rules, regulations and procedures as may be established from time to time by said purchasing agent or regional planning agency.

SECTION xx. The Governor shall direct the executive office of administration and finance to amend 801

C.M.R. 21.00 to reflect that contracts between the Commonwealth and regional planning agencies to provide or to receive services, facilities, staff assistance or money payments shall be the equivalent of interdepartmental service agreements.

SECTION xx. The General Laws are hereby amended by inserting after the second paragraph of Section 5 of chapter 40B the following paragraphs:

Notwithstanding the provisions of any other section in this chapter, planning commissions established hereunder may administer and provide regional services to member cities and towns and may delegate such authority to subregional groups of such cities and towns. Planning commissions may enter into cooperative agreements with other planning commissions or regional councils of government to provide such regional services.

Regional services provided to member municipalities shall be determined by each planning commission's executive committee, and may include any service which may be provided by the municipality or any other public entity in the commonwealth. In the event that an executive committee has not been established, such services shall be determined by the district planning commission.

Notwithstanding the provisions of any other section in this chapter, any city or town which is a member of the planning commission may enter into a cooperative agreement with said commission to perform jointly or for the other or in cooperation with other member cities and towns, any service, activity or undertaking which such city or town is authorized by law to perform.

All cooperative agreements entered into pursuant to this section by member cities and towns are voluntary, and notwithstanding any other law, require authorization by the relevant Board of Selectmen or City Council, with the approval of the mayor.

Notwithstanding the provisions of any other section in this chapter, planning commissions are authorized to enter into contracts and agreements with any department, agency or subdivision of the federal or state government and any individual, corporation, association or public authority to provide or receive services, facilities, staff assistance or money payments in connection with the work of planning commissions, and planning commissions may contribute or receive services, facilities, staff assistance or money payments as consideration such contracts and agreements.

SECTION xx. Section 14 of said chapter 40B, as so appearing, is hereby amended by inserting after subsection (o) the following paragraph:

(p) notwithstanding the provisions of any other section in this chapter, to administer and provide regional services to member cities and towns and may delegate such authority to subregional groups of such cities and towns. The commission may enter into cooperative agreements with other planning commissions or regional councils of government to provide such regional services. Regional services provided to member municipalities shall be determined by the executive committee and may include any service which may be provided by the municipality or any other public entity in the commonwealth.

(q) notwithstanding the provisions of any other section in this chapter, any city or town which is a member of the district may enter into a cooperative agreement with the commission to perform jointly or for the other or in cooperation with other member cities and towns, any service, activity or undertaking which such city or town is authorized by law to perform.

(r) all cooperative agreements entered into pursuant to subsection (p) or (q) of this section by member cities and towns are voluntary, and notwithstanding any other law, require authorization by the relevant

Board of Selectmen or City Council, with the approval of the mayor.

SECTION xx. Said chapter 40B is hereby further amended by inserting after the final paragraph of Section 29 the following sections:
Section 29A. Notwithstanding the provisions of any other section in this chapter, the council is authorized to administer and provide regional services to member cities and towns and may delegate such authority to subregional groups of such cities and towns. The council may enter into cooperative agreements with other planning commissions or regional councils of government to provide such regional services.
Regional services provided to member municipalities shall be determined by the executive committee and may include any service which may be provided by the municipality or any other public entity in the commonwealth.
Section 29B. Notwithstanding the provisions of any other section in this chapter, any city or town which is a member of the council may enter into a cooperative agreement with said council to perform jointly or for the other or in cooperation with other member cities and towns, any service, activity or undertaking which such city or town is authorized by law to perform.

Section 29C. All cooperative agreements entered into by member cities and towns pursuant to Section 29A or Section 29B are voluntary, and notwithstanding any other law, require authorization by the relevant Board of Selectmen or City Council, with the approval of the mayor.

SECTION xx. Section 4 of chapter 716 of the Acts of 1989 is hereby amended by inserting after subsection (a)(27) the following paragraphs:
(28) notwithstanding the provisions of any other section of this chapter, to administer and provide regional services to member cities and towns and may delegate such authority to subregional groups of such cities and towns. The commission may enter into cooperative agreements with other planning commissions or regional councils of government to provide such regional services. Regional services provided to member municipalities shall be determined by the commission and may include any service which may be provided by the municipality or any other public entity in the commonwealth.
(29) notwithstanding the provisions of any other section in this chapter, any city or town which is a member of the commission may enter into a cooperative agreement with said commission to perform jointly or for the other or in cooperation with other member cities and towns, any service, activity or undertaking which such city or town is authorized by law to perform.
(30) all cooperative agreements entered into by member cities and towns pursuant to subsections (28) and (29) of this section are voluntary, and notwithstanding any other law, require authorization by the relevant Board of Selectmen or City Council, with the approval of the mayor.

(31) notwithstanding the provisions of any other section in this chapter, the commission is authorized to enter into contracts and agreements with any department, agency or subdivision of the federal or state government and any individual, corporation, association or public authority to provide or receive services, facilities, staff assistance or money payments in connection with the work of the commission, and the commission may contribute or receive services, facilities, staff assistance or money payments as consideration such contracts and agreements.
SECTION xx. Section 3 of chapter 831 of the Acts of 1977 is hereby amended by inserting after the fourth paragraph the following section:
Section 3A. Notwithstanding the provisions of any other section of this chapter, the commission may administer and provide regional services to member cities and towns and may delegate such authority to subregional groups of such cities and towns. The commission may enter into cooperative agreements with other planning commissions or regional councils of government to provide such regional services.
Regional services provided to member municipalities shall be determined by the commission and may include any service which may be provided by the municipality or any other public entity in the

commonwealth.
Notwithstanding the provisions of any other section in this chapter, any city or town which is a member of the commission may enter into a cooperative agreement with said commission to perform jointly or for the other or in cooperation with other member cities and towns, any service, activity or undertaking which such city or town is authorized by law to perform.
All cooperative agreements entered into by member cities and towns pursuant to Section 3A are voluntary, and notwithstanding any other law, require authorization by the relevant Board of Selectmen or City Council, with the approval of the mayor.

Notwithstanding the provisions of any other section in this chapter, the commission is authorized to enter into contracts and agreements with any department, agency or subdivision of the federal or state government and any individual, corporation, association or public authority to provide or receive services, facilities, staff assistance or money payments in connection with the work of the commission, and the commission may contribute or receive services, facilities, staff assistance or money payments as consideration such contracts and agreements.

SECTION xx. Section 2 of chapter 561 of the Acts of 1973 is hereby amended by inserting after the first paragraph the following paragraphs:

Notwithstanding the provisions of any other section in this chapter, the Commission may administer and provide regional services to the county and town. The Commission may enter into cooperative agreements with other planning commissions or regional councils of government to provide such regional services.
Regional services provided to the county and town shall be determined by the Commission and may include any service which may be provided by the municipality or any other public entity in the commonwealth.
Notwithstanding the provisions of any other section in this chapter, the county and town which is a member of the Commission may enter into a cooperative agreement with said Commission to perform jointly any service, activity or undertaking which such county or town is authorized by law to perform.
All agreements entered into by the county or town pursuant to this section are voluntary, and notwithstanding any other law, require authorization by the Board of Selectmen.

Notwithstanding the provisions of any other section in this chapter, the Commission is authorized to enter into contracts and agreements with any department, agency or subdivision of the federal or state government and any individual, corporation, association or public authority to provide or receive services, facilities, staff assistance or money payments in connection with the work of the Commission, and the Commission may contribute or receive services, facilities, staff assistance or money payments as consideration such contracts and agreements.
SECTION xx. Section 2 of chapter 332 of the Acts of 1967 is hereby amended by inserting after the seventh paragraph the following section:
Section 2A. Notwithstanding the provisions of any other section in this chapter, the Council may administer and provide regional services to member cities and towns and may delegate such authority to subregional groups of such cities and towns. The Council may enter into cooperative agreements with other planning commissions or regional councils of government to provide such regional services.
Regional services provided to member municipalities shall be determined by the Council and may include any service which may be provided by the municipality or any other public entity in the commonwealth.
Notwithstanding the provisions of any other section in this chapter, any city or town which is a member of the Council may enter into a cooperative agreement with said Council to perform jointly or for the other or in cooperation with other member cities and towns, any service, activity or undertaking which such city or town is authorized by law to perform.

All agreements entered into by member cities and towns pursuant to this section are voluntary, and notwithstanding any other law, require authorization by the relevant Board of Selectmen or City Council, with the approval of the mayor.
SECTION xx. Subsection (U) of Section 567 of chapter 151 of the Acts of 1996 is hereby amended by inserting after the first paragraph the following paragraphs:
Notwithstanding the provisions of this chapter, the Franklin Council of Governments may administer and provide regional services to member cities and towns and may delegate such authority to subregional groups of such cities and towns. The Council of Governments may enter into cooperative agreements with other planning commissions or regional councils of government to provide such regional services. Regional services provided to member municipalities shall be determined by the Council of Governments Committee and may include any service which may be provided by the municipality or any other public entity in the commonwealth.
All agreements entered into by member cities and towns pursuant to this section are voluntary, and notwithstanding any other law, require authorization by the relevant Board of Selectmen or City Council, with the approval of the mayor.
Notwithstanding the provisions of any other section in this chapter, the Franklin Council of Governments is authorized to enter into contracts and agreements with any department, agency or subdivision of the federal or state government and any individual, corporation, association or public authority to provide or receive services, facilities, staff assistance or money payments in connection with the work of the commission, and the commission may contribute or receive services, facilities, staff assistance or money payments as consideration such contracts and agreements.

AMENDMENT NO. 74 **CONSOLIDATED**
Ms. Peisch of Wellesley moves to amend House Bill No. 4618 by inserting after section 124 the following section:-

SECTION 125. The Water Management Act, G.L.c. 21G, is hereby amended by adding "All properly filed Water Management Act Registration Renewal Application Statements shall entitle the registrants to their registered water use volumes without conditions. No regulations may be promulgated that would allow the imposition of any such conditions."

AMENDMENT NO. 75 **CONSOLIDATED**
Ms. Richardson of Framingham moves to amend the bill by inserting after section 12 the following section:

"Section 13. Section 26 of said chapter 44 is hereby repealed."

AMENDMENT NO. 76 **CONSOLIDATED**
Ms. Richardson of Framingham moves to amend the bill by inserting after section 12 the following section:

"SECTION 13. Section 9A of chapter 200A of the General Laws, as so appearing, is hereby amended by striking it out in its entirety and inserting in place thereof the following:—

(a) This section shall apply to abandoned funds, as determined herein, held in the custody of cities, towns or districts that have accepted the provisions of this section pursuant to section 4 of chapter 4 of the general laws. In the case of such cities, towns or districts accepting the provisions of this section there shall be an alternative procedure for disposing of abandoned funds held in the custody of such cities, towns or districts as provided in this section, and only this section shall apply to the disposition of such

funds.

(b) Any funds held in the custody of a city, town or district that has accepted this section may be presumed by the city, town or district treasurer to be abandoned unless claimed by the corporation, organization, beneficiary or person entitled thereto within one year after the date prescribed for payment or delivery, provided the last instrument intended as payment bears upon its face the statement "void if not cashed within one year from date of issue." Once a period of one year has elapsed from the date of any such instrument, the treasurer of any such city, town or district may cause the financial institution upon which the instrument was drawn to stop payment on the instrument, or otherwise cause the financial institution to decline payment on the instrument, and any claims made beyond this date may only be paid by the city, town or district through the issuance of a new instrument. Neither the city, town, district nor financial institution shall be liable for damages, consequential or otherwise, resulting from a refusal to honor an instrument of a city, town or district submitted for payment more than one year from its issuance.

(c) The treasurer of a city, town or district holding funds owed to a corporation, organization, beneficiary or person entitled thereto, that are presumed to be abandoned as aforementioned, shall post a notice, which notice shall be entitled "Notice of Names of Persons appearing to be Owners of funds held by (insert city, town or district name), and deemed abandoned." The notice shall specify those who appear from available information to be entitled to such funds, shall provide a description of the appropriate method for claiming such funds, and shall state a deadline beyond which funds may no longer be claimed, provided such deadline is no earlier than 60 days from the date such notice was either postmarked or first posted on a website as herein provided. The treasurer of such city, town or district may post such notice using the following methods: (1) by mailing such notice postpaid to the last known address of the beneficiary or person entitled thereto, sent via first class mail, and (2) if the city, town or district maintains an official website the said treasurer may, post the notice conspicuously on said website for a period of not less than 60 days. After 60 days from the mailing or posting of the notice, if the apparent owner fails to respond, the treasurer shall cause a notice of the check to be published in a newspaper of general circulation which is printed in English in the county in which the city or town is located.

(d) In the event funds appearing to be owed to a corporation, organization, beneficiary or person amount to $100 or more, and the deadline as provided in the aforementioned notice has passed, and no claim for the funds has been made, the treasurer shall cause an additional notice, in substantially the same form as the aforementioned notice, to be published in a newspaper of general circulation in the county (or counties) in which the city, town or district is located, except that this notice shall provide an extended deadline beyond which funds cannot be claimed, which shall be no earlier than one year from the date of publication of such notice.

(e) Once the final deadline of the aforementioned notice(s) has passed, the funds owed to such corporation, organization, beneficiary or person entitled thereto shall escheat to the city, town or district and the treasurer thereof shall record the funds as revenue in the general fund of the city, town or district, and the city, town or district shall not thereafter be liable to the corporation, organization, beneficiary or person for payment of those funds, nor for the underlying liability for which the funds were originally intended. These funds shall then be available to the city, town or district's appropriating authority for appropriation for any other public purpose. In addition to the notices herein provided for, the treasurer of the city, town or district may initiate any other notices or communications that are directed in good faith toward making final disbursement of the funds to the corporation, organization, beneficiary or person entitled thereto.

Prior to escheatment of the funds, the treasurer of the city, town or district shall hear all claims on funds that may arise, and if it is clear, based on a preponderance of the evidence available to the treasurer at the time the claim is made that the claimant is entitled to disbursement of the funds, the treasurer shall disburse funds to the claimant upon receipt by the treasurer of a written indemnification agreement from the claimant wherein the claimant agrees to hold the city, town or district and the treasurer of the city, town or district harmless in the event it is later determined that the claimant was not entitled to receipt of the funds. If it is not clear, based on a preponderance of the evidence before the treasurer at the time of the claim that the claimant is entitled to disbursement of the funds, the treasurer shall segregate the funds into a separate, interest bearing, bank account and shall notify the claimant of such action within 10 days. A claimant affected by this action may appeal within 20 days to the district, municipal or superior court of the county in which the city, town or district is located. The claimant shall have a trial de novo. An appeal shall be perfected by the claimant within 20 days after receiving notice of this action by the city, town or district treasurer. A party adversely affected by a decree or order of the district, municipal or superior court may appeal to the appeals court or the supreme judicial court within 20 days from the date of the decree.

If the validity of the claim shall be determined in favor of the claimant or another party, the treasurer shall disburse funds to the claimant in accordance with the order of the court, including interest accrued. If the validity of the claim is determined to be not in favor of the claimant or any other party, or if the treasurer does not receive notice that an appeal has been filed within one year from the date the claimant was notified that funds were being withheld, then the funds, plus accrued interest, shall escheat to the city, town or district in the manner herein provided.

If the claimant is domiciled in a country or state outside the United States or its territories and the city, town or district determines that there is no reasonable assurance that the claimant will actually receive the payment provided for in this section in substantially full value, the superior court, in its discretion or upon a petition by the city, town or district may order that the city, town or district retain such payment."

AMENDMENT NO. 77 **CONSOLIDATED**

Ms. Richardson of Framingham, Ms. Peisch of Wellsley and Mr. Sannicandro of Ashland move to amend the bill by inserting after section 12 the following section:

"Section 13. Notwithstanding the provisions of chapters 82 and 82A of the General Laws, or any other law, rule or regulation to the contrary, a contractor need not apply for a permit if the sole reason for requiring the permit is to ensure that no trench is left open at the conclusion of the contractor's work day, provided the contractor excavates, completes construction, and back fills and grades the premises on the same day. Any violation of this provision shall be punishable by a fine not to exceed $2500 per day that the violation continues and payable to commonwealth department of public works or the municipality's department of public works, as applicable."

AMENDMENT NO. 78 **CONSOLIDATED**

Mr. Bosley of North Adams and Mr. Rodrigues of Westport move to amend the proposed text (House, No. 4618) by inserting the following new section, after line 419, section 13:

SECTION 13. Chapter 63 of the General Laws, as appearing in the 2008 Official Edition, is hereby

amended in Section 38N paragraph (a) by deleting the third sentence and replacing it with the following new sentences:
For purposes of this paragraph, the corporation need not be a manufacturing corporation or a business corporation engaged primarily in research and development**.** If such property is disposed of or ceases to be in qualified use within the meaning of section thirty-one A or if such property ceases to be used exclusively in a certified project within an economic opportunity area before the end of the certified project's certification period specified by the Economic Assistance Coordinating Council in its certification period ("Project Certification Period") within the meaning of section 3F of Chapter 23A (collectively, "Recapture Event"), where the Recapture Event occurs prior to the end of the taxable year in which the credit is to be taken, the amount of the credit shall be that portion of the credit provided for herein which represents the ratio which the months of use prior to the Recapture Event bear to the total months in the Project Certification Period. Where the Recapture Event occurs in a year subsequent to the taxable year in which the credit is taken and prior to the end of the Project Certification Period, the difference between the credit taken and the credit allowed for actual use must be added back as additional taxes due for the year in which the Recapture Event occurs. The amount of the credit allowed for actual use shall be determined by multiplying the original credit by the ratio which the months of use prior to the Recapture Event bear to the total months in the Project Certification Period.

AMENDMENT NO. 79 **CONSOLIDATED**
Mr. Madden of Nantucket moves to amend House Bill 4618, in section 11, subsection (g)(ii), by striking paragraph (ii) in its entirety.

AMENDMENT NO. 80 **CONSOLIDATED**
Rep Dykema of Holliston, Gregoire of Marlborough, DiNatale of Fitchburg, Cantwell of Marshfield; Scibak of South Hadley move to amend the bill (House, No. 4618) by adding at the end of the bill the following section:--

SECTION XX. Chapter 176D of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after Section 3B the following new section:--

Section 3C. Requirements for insurance policies and insurance contracts providing coverage for ambulance services.

a) Definitions . When used in this Section 3C, the following words shall have the following meanings, except as otherwise specifically provided:

"Ambulance Service Provider", shall mean any person or entity licensed by the department of public health under section 6 of chapter 111C of the General Laws to establish or maintain an ambulance service.

"Ambulance Services", shall mean one or more of the services that an ambulance service provider is authorized to render under its ambulance service license.

"Insurance Policy" and "Insurance Contract", shall mean any contract of insurance, motor vehicle insurance, indemnity, medical or hospital service, dental or optometric, suretyship , or annuity issued, proposed for issuance or intended for issuance by any insurer.

"Insured", shall mean any individual entitled to ambulance services benefits under any insurance policy or insurance contract.

"Insurer", shall mean any person as defined in section 1 of chapter 176D of the General Laws; any health maintenance organization as defined in section 1 of chapter 176G of the General Laws; a non-profit hospital service corporation organized under chapter 176A of the General Laws; any organization as defined in section 1 of chapter 111I of the General Laws that participates in a preferred provider arrangement also as defined in said section 1 of said chapter 111I; any carrier offering a small group health insurance plan under chapter 176J of the General Laws; any company as defined in section 1 chapter 175 of the General Laws; any employee benefit trust; any self-insurance plan, and any company certified under section 34A of chapter 90 and authorized to issue a policy of motor vehicle liability insurance under section 113A of chapter 175 that provides insurance for the expense of medical coverage .

b) Direct Payment to Ambulance Service Providers . Notwithstanding any general or special provision of law to the contrary, in any instance in which an ambulance service provider provides an ambulance service to an insured but is not an ambulance service provider under contract to the insurer maintaining or providing the insured's insurance policy or insurance contract, the insurer maintaining or providing such insurance policy or insurance contract shall pay the ambulance service provider directly and promptly for the ambulance service rendered to the insured. Such payment shall be made to the ambulance service provider notwithstanding that the insured's insurance policy or insurance contract contains a prohibition against the insured assigning benefits thereunder so long as the insured executes an assignment of benefits to the ambulance service provider, and such payment shall be made to the ambulance service provider in the event an insured is either incapable or unable as a practical matter to execute an assignment of benefits under any insurance policy or insurance contract pursuant to which an assignment of benefits is not prohibited, or in connection with an insurance policy or insurance contract that contains a prohibition against any such assignment of benefits. An ambulance service provider shall not be considered to have been paid for an ambulance service rendered to an insured, if the insurer makes payment for said ambulance service to the insured. An ambulance service provider shall have a right of action against any insurer that fails to make any payment to it pursuant to this subsection (b).

c) Payment Rates . Payment to an ambulance service provider under subsection (b) shall be at a rate equal to the lower of the ambulance service provider's usual and customary charge for the ambulance service rendered to the insured, or three times the then current published rate for the ambulance service rendered to the insured as established by the Centers for Medicare and Medicaid Services under Title XVIII of the Social Security Act (Medicare).

d) Payment in Full and Prohibition on Balance Billing . An ambulance service provider receiving payment for an ambulance service in accordance with subsections (b) and (c) shall be deemed to have been paid in full for the ambulance service provided to the insured, and shall have no further right or recourse to further bill the insured for said ambulance service with the exception of coinsurance, co-payments or deductibles for which the insured is responsible under the insured's insurance policy or insurance contract.

e) No Effect on Covered Benefits . No term or provision of this section 3C shall be construed as limiting or adversely affecting an insured's right to receive benefits under any insurance policy or

insurance contract providing insurance coverage for ambulance services. No term or provision of this section 3C shall create an entitlement on behalf of an insured to coverage for ambulance services if the insured's insurance policy or insurance contract provides no coverage for ambulance services.

AMENDMENT NO. 81 **CONSOLIDATED**
Rep. Dykema of Holliston, Gregoire of Marlborough, Cantwell of Marshfield; Scibak of South Hadley move to amend the bill (H 4618) by inserting after section 5 the following section: —

SECTION XX. Said chapter 40 of the General Laws is hereby amended by inserting after section 4E the following section:-

Section 4E1/2.(a) Notwithstanding any general or special law to the contrary, for the benefit of their school programs, education collaboratives, as defined in section 4E, may make purchases from a vendor's contract that has been competitively procured by another state or political subdivision or public entity thereof for the item or items being purchased.

(b) These education collaboratives shall not be subject to subsection (c) of section 1 of chapter 30B or sections 22A and 22B of chapter 7 insofar as those laws preclude out-of-state collective purchases by education collaboratives for a period not to exceed 2 years after the effective date of this section, but those provisions shall apply to any collective purchasing by education collaboratives that occurs more than 2 years after that date.

(c) The inspector general shall review the process by which education collaboratives are making out-of-state collective purchases. Education collaboratives participating in out-of-state collective purchasing must submit biannually the following summary information to the office of the inspector general: (1) the entity from which the purchase was made and, if the purchase was from a state, political subdivision or a public entity of another state, what information informed them that the out-of-state entity was a political subdivision or a public entity, (2) a full and complete description of the items purchased, and (3) documentation of savings obtained, with relevant Massachusetts cost comparisons

AMENDMENT NO. 82 **CONSOLIDATED**
Rep Dykema of Holliston, Gregoire of Marlborough, DiNatale of Fitchburg, Dwyer of Woburn, Cantwell of Marshfield, Scibak of South Hadley move to amend the bill (H 4618) by adding at the end of the bill the following section: —

SECTION XX. Chapter 60 of the General Laws is amended by striking out section 3A, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

Section 3A. (a) Every bill or notice shall be in a form approved by the commissioner and shall summarize the deadlines under section 59 of chapter 59 for applying for abatements and exemptions. Every bill or notice shall also have printed on it the last date for the assessed owner to apply for abatement and for exemptions under clauses other than those specifically listed in said section 59 of said chapter 59. Except in the case of a bill or notice for reassessed taxes under section 77 of said chapter 59, every bill shall also have printed on it the last date on which payment can be made without interest being due. If a bill or notice contains an erroneous payment or abatement application date that is later than the date established under said chapter 59, the date printed on the bill or notice shall be the deadline for payment or for applying for abatement or exemption, but if the error in the date is the wrong year, the due date shall be the day and month as printed on the bill but for the current year. The commissioner may require, with respect to any city or town, that the tax bill or notice include such information as he may determine to be

necessary to notify taxpayers of changes in the assessed valuation of the property. Every bill or notice for real or personal property tax shall have printed thereon in a conspicuous place the tax rate for each class within the town, as determined by the assessors. In addition, every bill or notice for a tax upon real property shall identify each parcel separately assessed by street and number or, if no street number has been assigned, by lot number, name of property or otherwise, shall describe the land, buildings and other things erected on or affixed to the property and shall state for each such parcel the assessed full and fair cash valuation, the classification, the residential or commercial exemption, if applicable, the total taxable valuation and the tax due and payable on such property. If the assessors have granted the owner an exemption under any clause specifically listed in said section 59 of said chapter 59, the bill or notice of such owner may also show the exemption and the tax, as exempted, that is due and payable on such property.

(b) The collector may issue the bill or notice required by section 3 in electronic form, provided that the electronic bills or notices meet the standards set forth in sub clause (a) of this section. Any electronic bills or notices issued shall be under voluntary programs established by the collector with the approval of the board of selectmen, or mayor, as the case may be. No political subdivision of the Commonwealth may require its taxpayers to take part in an electronic billing system or program.

(c) The collector may include in the envelope or electronic message in which property tax bills are sent those bills or notices for rates, fees and charges assessed by the city or town for water or sewer use, solid waste disposal or collection, or electric, gas or other utility services as may be authorized by ordinance or by-law, provided that the bills or notices shall be separate and distinct from the property tax bills. The ordinance or by-law may authorize the collector, upon vote of any municipal water and sewer commission established by the city or town under chapter 40N or a special act, to include bills or notices for rates, fees or charges assessed by the commission for water or sewer use.

(d) The collector may, with the approval of the board of selectmen, or mayor, as the case may be, include in the envelope or electronic message in which property tax bills are sent nonpolitical municipal informational material so long as including that material does not cause an increase in the postage required to mail the tax bill.

AMENDMENT NO. 83 **CONSOLIDATED**
Rep. Dykema of Holliston, Gregoire of Marlborough, Naughton of Clinton, Cantwell of Marshfield move to amend the bill (H 4618) by adding at the end of the bill the following section: —

SECTION XX: Chapter 111C of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following section: —

“Section 25. When a Class I, II, or V ambulance transports a patient receiving care at the Paramedic level of ALS, the ambulance must be staffed with a minimum of two EMTs, one of whom is certified at the EMT-Paramedic level.”

AMENDMENT NO. 84 **CONSOLIDATED**
Representative Pignatelli of Lenox and Mr. Bosley of North Adams move to amend House, No. 4618, An Act Relative to Municipal Relief, in section 11, after line 415, by inserting the following subsection

(j) The chief executive officer, of a municipality with a population, at the time of the effective date of this section, not to exceed 10,000 people and in departments not to exceed 10 employees, shall be authorized to initiate a early retirement incentive program whereby an eligible employee for the early retirement incentive program shall be eligible, for retirement, by means of a credit from the retirement board with an additional retirement benefit of a combination of years of creditable service and years of age, in full year

increments, the sum of which shall not be greater than 1 year. The municipality and said employee shall not be subject to any of the other provisions of this section.

AMENDMENT NO. 85 **CONSOLIDATED**
Representative Pignatelli of Lenox moves to amend House, No. 4618, An Act Relative to Municipal Relief, by adding the following section:
SECTION 13. Section 29 of chapter 149 of the General Laws, as so appearing, is hereby amended by striking out, in lines 6 and 7, the words "in the case of the commonwealth is more than five thousand, and in any other case is more than two thousand dollars" and inserting in place thereof the following words: "is more than twenty five thousand".

AMENDMENT NO. 86 **CONSOLIDATED**
Representative Sannicandro of Ashland moves to amend the bill by inserting at the end the following section:
SECTION XX.
"Notwithstanding any general or specific laws to the contrary, municipalities shall be able to move to change existing coalition bargaining agreements so that communities may be given clear authority to unilaterally implement health insurance plan design changes which will only affect future employees while holding existing employees harmless."

AMENDMENT NO. 87 **CONSOLIDATED**
Representative Sannicandro of Ashland moves to amend the bill by inserting at the end the following section:
SECTION XX.
"Notwithstanding any general or specific laws to the contrary, municipalities shall be able to move to prorated health insurance for employees working less than full time."

AMENDMENT NO. 88 **CONSOLIDATED**
Representative Sannicandro of Ashland moves to amend the bill by inserting at the end the following section:
SECTION XX.
The General Laws is hereby amended such that auxiliary, reserve and part—time police officers shall not be ineligible for reduced costs body armor programs.

AMENDMENT NO. 89 **CONSOLIDATED**
Representative Cantwell of Marshfield moves to amend House, No. 4618, by adding the following new sections:-

SECTION 13. Subsection (b) of section 1 of chapter 30B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 6 the word "section" and inserting in place thereof the following: sections 11C or

SECTION 14. Said subsection (b) of said section 1 of said chapter 30B, as so appearing, is hereby amended in subdivision (4) by inserting after the word "commonwealth" the following: except as pertains to section 16(i);

SECTION 15. Said section 1 of said chapter 30B, as so appearing, is hereby amended by inserting at the end thereof the following subsection:

(f) This chapter shall be deemed to have been complied with on all purchases made from a vendor pursuant to a General Services Administration Federal supply schedule that is available for use by

governmental bodies.

SECTION 16. Section 2 of Chapter 30B of the General Laws, as so appearing, is hereby amended by inserting the following:-

"Electronic bidding", the electronic solicitation and receipt of offers to contract for supplies and services. Offers may be accepted and contracts may be entered by use of electronic bidding.

“Reverse auction,” An internet based process used to buy supplies and services whereby sellers of the supply or service being auctioned anonymously bid against each other until time expires and until the governmental body determines from which sellers it will buy based on the pricing obtained as a result of the reverse auction.”

“Sound business practices”, ensuring the receipt of favorable prices by periodically soliciting price lists or quotes.

“Cooperative purchasing" means procurement conducted by, or on behalf of, more than one public procurement unit, or by a public procurement unit with an external procurement activity.

"External procurement activity" means: (a) any public agency not located in this State which would qualify as a public procurement unit; (b) buying by the United States government.

"Local public procurement unit" means any political subdivision or unit thereof which expends public funds for the procurement of supplies.

"Public procurement unit" means either a local public procurement unit or a state public procurement unit. “State public procurement unit" means the offices of the chief procurement officers and any other purchasing agency of this or any other State.

SECTION 17. Subsection (d) of section 4 of said chapter 30B, as so appearing, is hereby amended, by striking out the words “generally accepted”, in line 24, and inserting in place thereof the following: sound

SECTION 18. Chapter 30B of the General Laws, as so appearing, is hereby amended by adding after Section 6 the following new section:-

6A. (a) A chief procurement officer may enter into procurement contracts in the amount of $25,000 or more utilizing reverse auctions for the acquisition of supplies and services. The reverse auction process shall include a specification of an opening date and time when real-time electronic bids may be accepted, and provide that the procedure shall remain open until the designated closing date and time.

(b) All bids on reverse auctions shall be posted electronically on the Internet, updated on a real-time basis, and shall allow registered bidders to lower the price of their bid below the lowest bid on the Internet.

(c) The chief procurement officer shall require vendors to register before the reverse auction opening date and time, and as part of the registration, agree to any terms and conditions and other requirements of the solicitation. (d) Any mechanism, including but not limited to software, developed by the Operational Services Division for the purpose of conducting reverse auctions by the Commonwealth, shall provide for the utilization of such mechanism by municipalities.

(e) The Operational Services Division may assess any municipality utilizing such reverse auction mechanism a reasonable fee, calculated to compensate for any increased cost attributable to such utilization, which shall be credited to the general fund.

(f) Reverse auctions shall not be subject to subsections (b) (1) or (d) of section 5 but shall be subject to all other provisions of that section.

SECTION 19. Section 20 of Chapter 30B of the General Laws is hereby amended by inserting at the end thereof the following -

"Any public procurement unit may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of any supplies with one or more public procurement units or external procurement activities in accordance with an agreement entered into between the participants. The public procurement unit conducting the procurement of any supplies shall do so in a manner that constitutes a full and open competition. "

AMENDMENT NO. 90 **CONSOLIDATED**

Mr. Smizik of Brookline, Mr. Finegold of Andover, Mr. Kaufman of Lexington, Mr. Patrick of Falmouth, Mr. Madden of Nantucket, Mr. D'Amico of Seekonk, Ms. Allen of Boston, Ms. Wolf of Cambridge, Mr. Hecht of Watertown, Mr. Toomey of Cambridge, Ms. Dykema of Holliston, Mr. Cantwell of Marshfield, Rep. Lewis of Winchester, Mr. Sannicandro of Ashland and Rep. Speliotis of Danvers move to amend H4618 by inserting the following:-

SECTION XX. Section 7 of chapter 44 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after paragraph (3B) the following paragraph:-

(3C) For a revolving loan fund established under section 53E ¾ to assist in development of renewable energy and energy conservation projects on privately held buildings, property or facilities within the city or town, 20 years.

SECTION XX. Said chapter 44, as so appearing, is hereby further amended by inserting after section 53E ½ the following section:-

Section 53E ¾. (a) Notwithstanding the provisions of section fifty-three or any other general or special law to the contrary, a city or town may establish a revolving fund to be known as the Energy Revolving Loan Fund, in this section called the fund. The purpose of the fund is to provide loans to owners of privately held real property in the city or town for energy conservation and renewable energy projects on their properties so as to prioritize energy efficiency as the first step toward reducing greenhouse gas emissions associated with buildings.

(b) The fund shall be established by ordinance or by-law. Before adoption of the ordinance or by-law, the select board, town council or the city council, as the case may be, shall conduct a public hearing on the question of its adoption. The ordinance or by-law shall designate an administrator for the fund and may provide for any rules, regulations and procedures for administration of the fund and eligibility for loans the city or town considers necessary or proper to carry out the purposes of this section. The administrator may consult with the green communities division, established in section 10 of chapter 25A in developing such regulations, rules, and procedures for administration of the fund. The fund administrator may be a board, department or officer, or may consist of 1 or more members from 1 or more boards, departments or officers, of the city or town. Any city or town which is a member of a regional planning commission may enter into a cooperative agreement with said commission to perform as administrator for the fund.

(c) As authorized by section 4A of chapter 40, two or more municipalities may, in a city by vote of the city council thereof, and in a town by vote of the board of selectmen thereof, enter into an agreement to jointly establish and administer a common fund.

(d) The fund administrator shall have the following duties and powers:-

(1) to make loans to owners of real estate to finance or refinance the costs of energy conservation and renewable energy projects on their properties; provided no loan shall be made unless an energy audit of the property has been conducted on or after July 2, 2008] and any energy conservation measures established by the fund administrator for participation in the program have been implemented;

(2) to execute and deliver on behalf of the city or town all loan agreements and other instruments necessary or proper to make the loan and secure its repayment;

(3) to record the notice of the agreement required by subsection (f) and any other loan instruments;

(4) to apply for and accept grants or gifts for purposes of the fund; and

(5) to exercise any other powers or perform any other duties the city or town may grant by ordinance or by-law to carry out the purposes of the section.

(e) The treasurer shall be the custodian of the fund, which shall be maintained as a separate account, and into which shall be placed:-

(1) all monies appropriated and proceeds from bonds issued under paragraph (3C) of section 7 for purposes of providing loans to private property owners for energy conservation and renewable energy projects;

(2) all funds received from the commonwealth or any other source for those purposes;

(3) all repayments of the loans made to property owners under this section, and any reserve or other required payments made by the owners in connection with the loans; and

(4) any other amounts required to be credited to the fund by any law.

The treasurer may invest the monies in the manner authorized by section 55, and any interest earned thereon shall be credited to and become part of the fund.

The treasurer shall, not later than June 30 of each year, certify in writing to the fund administrator and auditor or similar officer in cities, or the town accountant in towns having that officer, the principal and interest due in the next fiscal year on any bonds issued under paragraph (3C) of section 7 and not otherwise provided for, and the amount certified shall be reserved for payment of that debt service without further appropriation. Loans may be made from the fund by the fund administrator without further appropriation, subject to this section; provided, however, that no loans shall be made or liabilities incurred in excess of the unreserved fund balance, nor made unless approved in accordance with sections 52 and 56 of chapter 41.

(f) Whenever the city or town enters into a loan agreement with a property owner under this section, a notice of the agreement shall be recorded as a betterment and be subject to the provisions of chapter 80 relative to the apportionment, division, reassessment and collection of assessment, abatement and collections of assessments, and to interest; provided, however, that for purposes of this section, the lien shall take effect by operation of law on the day immediately following the due date of the assessment or apportioned part of the assessment and the assessment may bear interest at a rate determined by the city or town treasurer by agreement with the owner at the time the agreement is entered into between the city or town and the property owner. In addition to remedies available under chapter 80, the property owner shall be personally liable for the repayment of the total costs incurred by the city or town under this section; provided, however, that upon assumption of the personal obligation by a purchaser or other transferee of

all of the original owner's interest in the property at the time of conveyance and the recording of the assumption, the owner shall be relieved of the personal liability.

A betterment loan agreement between an owner and a city or town under this section shall not be considered a breach of limitation or prohibition contained in a note, mortgage or contract on the transfer of an interest in property.

Notwithstanding any provision of chapter 183A to the contrary, the organization of unit owners of a condominium may enter into a betterment loan agreement under this section to finance an energy conservation and renewable energy project provided that the project comprises part of the common areas and facilities. The agreement shall: (i) be approved by a majority of the unit owners benefited by the project; (ii) include an identification of the units and unit owners subject to the agreement and the percentages, as set forth in the master deed, of the undivided interests of the respective units in the common area and facilities; and (iii) include a statement by an officer or trustee of the organization of unit owners certifying that the required number of unit owners have approved the agreement. As between the affected unit owners and the city or town, the certification shall be conclusive evidence of the authority of the organization of unit owners to enter into the agreement. A notice of the agreement shall be recorded as a betterment in the registry of deeds or registry district of the land court where the master deed is recorded and shall be otherwise subject to the provisions of chapter 80 as provided for in this section. The assessment under the agreement may be charged or assessed to the organization of units owners but shall not constitute an assessment of common expenses. Instead, the allocable share of the assessment, prorated on the basis of the percentage interests of the benefited units in the common areas and facilities, shall attach as a lien only to the units identified in the recorded notice and benefited by the project and the owners of those units shall also be personally liable for their allocable share of the assessment as provided for in this section. Words defined in section 1 of said chapter 183A and used in this paragraph have the same meanings as appearing in said chapter 183A.

(g) The fund administrator shall file annually no later than June 30 a report detailing the amount of money in the fund, loans made, and repayments received, and shall also include the types of projects financed. The report shall be filed with the chief executive officer of the city or town, the executive office of administration and finance, the joint committee on municipalities and regional government, the senate and house committees on ways and means, and the clerks of the senate and the House of Representatives.

AMENDMENT NO. 91 **CONSOLIDATED**
Representative Steven M. Walsh of Lynn moved that House Bill 4618 be amended by adding the following sections at the end thereof;

SECTION 13. Section 2 of chapter30B of the General Laws is hereby amended by inserting the following definitions —
"Cooperative purchasing" means procurement conducted by, or on behalf of, more than one public procurement unit, or by a public procurement unit with an external procurement activity.
"External procurement activity" means a procurement involving: (a) any public agency not located in this state which would qualify as a public procurement unit; (b) buying by the United States government.
"Local public procurement unit" means any political subdivision or unit thereof which expends public funds for the procurement of supplies, services, or construction.
"Public procurement unit" means either a local public procurement unit or a state public procurement unit.
"State public procurement unit" means the offices of the chief procurement officers and any other purchasing agency of this or any other State.
SECTION 14. Section 20 of chapter 30B of the General Laws is hereby amended by inserting at the end thereof the following -

Any public procurement unit may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of any supplies with one or more public procurement units or external procurement activities in accordance with an agreement entered into between the participants. The public procurement unit conducting the procurement of any supplies shall do so in a manner that constitutes a full and open competition.
A public procurement unit may engage in an external procurement activity for a period not to exceed 2 years after the effective date of this act, and thereafter the provisions of subsection (c) of section 1 of chapter 30B and section 22A of chapter 7 of the General Laws shall apply for any future collective purchasing by a public procurement unit.
The inspector general shall review the process by which public procurement units are making out-of-state collective purchases. Public procurement units participating in out-of-state collective purchasing must submit biannually the following summary information to the Massachusetts office of the inspector general: (1). Where the supplies were purchased from and, if the purchase was from a state, political subdivision or a public entity of another state, what information informed them that the out-of-state entity was a political subdivision or a public entity; (2) a complete description of the item or items purchased; and (3) documentation of savings obtained with relevant Massachusetts cost comparisons.

AMENDMENT NO. 92 **CONSOLIDATED**
Representatives Peake of Provincetown, Koczera of New Bedford, Fernandes of Milford, Tobin of Quincy, Hill of Ipswich, Canessa of New Bedford, Cantwell of Marshfield, Keenan of Salem, Provost of Somerville, D'Amico of Seekonk, Costello of Newburyport, Brownsberger of Belmont, Madden of Nantucket, and Atsalis of Barnstable move to amend the bill by adding the following section:

SECTION: Section 7 of chapter 44 of the General Laws is hereby amended by inserting after clause 17 the following new clause: - (17A) For dredging of tidal and non-tidal rivers and streams, harbors, channels and tide waters, ten years.

AMENDMENT NO. 93 **CONSOLIDATED**
Representatives Peake of Provincetown, Perry of Sandwich, Fernandes of Milford, Ferrante of Gloucester, Dwyer of Woburn, Provost of Somerville, Brownsberger of Belmont and Madden of Nantucket move to amend the bill in Section 6 line 59 by inserting after "Director" the following words "Building Official".

AMENDMENT NO. 94 **CONSOLIDATED**
Mr. O'Day of West Boylston moves to amend H.4618 by striking out the last sentence in clause (d) of SECTION 11 and inserting in place thereof the following sentence:- "All participants shall forego the right to 50 per cent of their accrued sick and vacation time, and said 50 per cent that would have been paid to a retiree for accrued sick and vacation time shall be paid into the municipal, regional or county retirement system to reduce half of the additional pension liability resulting from this program."

AMENDMENT NO. 95 **CONSOLIDATED**
Mr. Sciortino of Medford, Ms. Grant of Beverly, Mr. DiNatale of Fitchburg, Mr. Dwyer of Woburn move to amend the bill by inserting after section 12 the following section:
SECTION XX. Section 34B of chapter 164 of the General Laws as appearing in the 2008 official edition is hereby amended by inserting after the word 'pole;' in line 5 the following:-
"Provided further, that a city or town may enforce this section by the enactment of a local ordinance or bylaw prohibiting double poles beyond the ninety days authorized by this section, violation of which may be punishable by a fine not to exceed a maximum of $100 per occurrence per day."

AMENDMENT NO. 96 **CONSOLIDATED**
Mr. Barrows of Mansfield moves to amend H4618 by inserting, after section #12 (as printed), the

following section:
“SECTION X. Chapter 60 of the General Laws is amended by striking out section 3A, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

Section 3A. (a) Every bill or notice shall be in a form approved by the commissioner and shall summarize the deadlines under section 59 of chapter 59 for applying for abatements and exemptions. Every bill or notice shall also have printed on it the last date for the assessed owner to apply for abatement and for exemptions under clauses other than those specifically listed in said section 59 of said chapter 59. Except in the case of a bill or notice for reassessed taxes under section 77 of said chapter 59, every bill shall also have printed on it the last date on which payment can be made without interest being due. If a bill or notice contains an erroneous payment or abatement application date that is later than the date established under said chapter 59, the date printed on the bill or notice shall be the deadline for payment or for applying for abatement or exemption, but if the error in the date is the wrong year, the due date shall be the day and month as printed on the bill but for the current year. The commissioner may require, with respect to any city or town, that the tax bill or notice include such information as he may determine to be necessary to notify taxpayers of changes in the assessed valuation of the property. Every bill or notice for real or personal property tax shall have printed thereon in a conspicuous place the tax rate for each class within the town, as determined by the assessors. In addition, every bill or notice for a tax upon real property shall identify each parcel separately assessed by street and number or, if no street number has been assigned, by lot number, name of property or otherwise, shall describe the land, buildings and other things erected on or affixed to the property and shall state for each such parcel the assessed full and fair cash valuation, the classification, the residential or commercial exemption, if applicable, the total taxable valuation and the tax due and payable on such property. If the assessors have granted the owner an exemption under any clause specifically listed in said section 59 of said chapter 59, the bill or notice of such owner may also show the exemption and the tax, as exempted, that is due and payable on such property.

(b) The collector may issue the bill or notice required by section 3 in electronic form, provided that the electronic bills or notices meet the standards set forth in sub clause (a) of this section. Any electronic bills or notices issued shall be under voluntary programs established by the collector with the approval of the board of selectmen, or mayor, as the case may be. No political subdivision of the commonwealth may require its taxpayers to take part in an electronic billing system or program.

(c) The collector may include in the envelope or electronic message in which property tax bills are sent those bills or notices for rates, fees and charges assessed by the city or town for water or sewer use, solid waste disposal or collection, or electric, gas or other utility services as may be authorized by ordinance or by-law, provided that the bills or notices shall be separate and distinct from the property tax bills. The ordinance or by-law may authorize the collector, upon vote of any municipal water and sewer commission established by the city or town under chapter 40N or a special act, to include bills or notices for rates, fees or charges assessed by the commission for water or sewer use.
(d) The collector may, with the approval of the board of selectmen, or mayor, as the case may be, include in the envelope or electronic message in which property tax bills are sent nonpolitical municipal informational material so long as including that material does not cause an increase in the postage required to mail the tax bill.”.

AMENDMENT NO. 97 **CONSOLIDATED**
Mr. Sullivan of Fall River moves to amend the bill (House 4618), after Section 12, by inserting the following;
SECTION 13. There shall be established special commission to study the collaborative purchase of fuel, to consist of the house and senate chairs of the joint committee on telecommunications, utilities, and energy, who shall serve as co-chairs of the commission; 1 member to be appointed by the senate

president; 1 member to be appointed by the speaker of the house of representatives; 1 member to be appointed by the senate minority leader; 1 member to be appointed by the house minority leader; the secretary of energy and environmental affairs or his designee; and 1 member to be appointed by the governor is hereby established for the purpose of making an investigation study relative to reducing the fuel costs of cities and towns.

The commission shall investigate and study the establishment of a statewide heating fuel collaborative, whose purpose will be to purchase heating fuel in bulk to sell to the local public school departments in the commonwealth, and to other municipal departments, at a lower cost than said school departments and municipal departments might be able to purchase it for individually.

The commission's study shall include analysis of the potential reduction in fuel costs to the local public school departments, and to municipalities, and also to the commonwealth as a whole.

The commission shall consider the need for local school departments and to municipalities to purchase heating fuel and the potential savings that local school departments and municipalities might realize if the state is permitted to purchase fuel in bulk at a reduced cost and sell it to the cities and towns of the commonwealth.

The commission shall also make recommendations about procedures for the operation of such a collaborative, including a procedure and time line for the ordering and purchasing of fuel by the local school departments and cities and towns, for the storage and distribution of said fuel by the commonwealth and for the procurement of said fuel by the commonwealth. The commission shall also evaluate any existing state statutes or regulations that might need to be amended for this collaborative to operate.

The commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect by filing them with the clerk of the senate and the clerk of the House of Representatives within nine months after the passage of this act. The commission may issue preliminary or interim reports to the general court before that date.